

**MOSS v. BALLARD**  
**CASE NO. 2:09cv01406**

**RESPONDENT'S EXHIBIT 20**  
**(CONTINUATION, pp. 601 - 750)**

Williams -- Cross

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1 she was going to go get the gun, and they got into a  
2 struggle over the gun.

3 Q Did the gun go off?

4 A Yes.

5 Q What did he do after the gun went off?

6 A He said he flung the gun but he didn't  
7 remember if he hit anything or not.

8 Q What happened to his wife?

9 A She fell to the floor.

10 Q What did Paul do then?

11 A He then -- I think he said he strangled  
12 her with some cords.

13 Q He said he strangled her with some  
14 cords?

15 A Yeah, with a cord.

16 Q And what happened after that?

17 A He got his little boy.

18 Q What did he do to his little boy?

19 A He said he put him down on the floor  
20 and put his knee in his back.

21 Q Did he demonstrate to you all how he  
22 did that?

23 A Yes.

24 Q Would you show the jury how he

Williams - Cross

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1 demonstrated that?

2 A Yes.

3 Q He said he got his little boy and put  
4 him down on the floor, face down, and put his knee in his  
5 back.

6 Q Then what did he do with the little  
7 boy?

8 A He tied his hands behind his back and  
9 put him in the bath tub.

10 Q Did the little boy say anything to him?

11 A He said "Leave me alone, daddy."

12 Q How did he put him in the bath tub?

13 A He put him in face down.

14 Q Was there any water in the tub?

15 A Yes.

16 Q Did he tell you how much water was in  
17 the tub?

18 A I believe he said there was water in  
19 the tub. He might have said it was about half full; I  
20 don't know.

21 Q Did he tell you all why he put him in  
22 the bath tub?

23 A Yes.

24 Q What did he say?

Williams - Cross

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1 A He said he liked to swim.

2 Q What did he do to the little girl?

3 A He said he got his little girl and  
4 wrapped a cord around her neck and put her over the door,  
5 on the door.

6 Q Did he say why he put her on the door?

7 A Yes.

8 Q What did he say to that?

9 A Because she liked to swing.

10 Q Changing the mood just a bit, tell me,  
11 Officer, isn't it true that Mr. Smith, Trooper Smith, got  
12 in the back seat of the car that you all were driving in  
13 order that he could kind of soften Moss up for the  
14 confession down at Parkersburg?

15 A No, sir.

16 Q Isn't it true he could have read his  
17 rights in the front seat of the car?

18 A Yes, he could have.

19 Q Did you see in the mirror the times  
20 that he hit Mr. Moss?

21 A He did not hit Mr. Moss.

22 Q Could you hear the groans from the back  
23 seat?

24 A There were no groans.

Williams - Cross

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1 Q Now, how long was he back there with  
2 Mr. Moss?

3 A I'd say maybe forty-five minutes.

4 Q And the only reason -- the only reason  
5 he went in the back seat was to read his rights?

6 A No, sir.

7 Q To talk to him?

8 A Yes, sir.

9 Q Couldn't he talk to him from the front  
10 seat?

11 A Well, we were driving down the road and  
12 John was sitting directly behind him. He would have had  
13 to turn all the way around in the seat.

14 Q And he was back there forty-five  
15 minutes. Now, at any time, did Moss tell you that he  
16 wanted to confess?

17 A He indicated that he would talk to us.

18 Q And that's all; is that correct?

19 A Yes.

20 Q And at no time did you mention Reggettz  
21 and at no time did he mention Reggettz; is that correct?

22 A Yes.

23 Q Now, Officer, there came a time when  
24 you left the room so that Officer Smith -- I think the

Williams - Cross

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1 words are that he felt uncomfortable with you there. Is  
2 it not true that you left the room so that you would not  
3 be a witness to what Smith was going to do and say to  
4 John Moss?

5 A No, sir. That's not true.

6 Q And the John Moss that you all had  
7 there was seventeen -- eighteen years old, and not  
8 twenty-seven, as he sits here today; isn't that true?

9 A That's correct.

10 Q And the John Moss that you all had  
11 there was a much smaller John Moss than he is sitting  
12 here today; is that not true?

13 A Not too much smaller.

14 Q Now, after Officer Smith had his  
15 conference with John Moss, he was much more cooperative;  
16 is that not true?

17 A When I walked back into the office, he  
18 was still saying that he had trouble remembering some  
19 things.

20 Q But he got it together pretty shortly  
21 thereafter; is that not true? He was having problems  
22 remembering when you left the room, and when you left  
23 Officer Smith in the room with him, and then his memory  
24 came back; is that true? Would that be a true statement?

Williams - Cross

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1           A           I don't know whether that would be a  
2           true statement or not.

3           Q           But that's what happened; isn't it?

4           A           As we asked him more questions, he  
5           started remembering things.

6           Q           All of a sudden.

7           Now, Officer Williams, you all had two oral  
8           confessions down at Parkersburg; is that correct?

9           In other words, what I'm saying, sir, is you all  
10          rehearsed the tape twice orally; is that correct?

11          A           No, sir.

12          Q           Didn't you all have an oral confession  
13          before? Didn't you all have an oral confession before  
14          he made the tape?

15          A           Yes.

16          Q           And then you go over it each time to  
17          make certain that you've got it right?

18          A           No, sir.

19          Q           And is it not true that he still messed  
20          up because he said he used a rope. Is that not true?

21          A           A rope?

22          Q           He said a rope, initially.

23          A           I don't ever remember him saying  
24          anything about a rope.

Williams - Cross

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1 Q Let me refresh your memory a bit, sir.

2 While I'm looking, isn't it true that John  
3 indicated that it was a knife that he used on Vanessa?

4 A Yes. He said a knife or something.

5 Q In fact, he has never admitted to using  
6 any scissors; is that correct?

7 A Yes, sir, that's correct.

8 Q Is it also true that Paul Reggett has  
9 never, ever said a knife, he said scissors; is that  
10 correct?

11 A Yes.

12 Q Now, at the time you and Officer Smith  
13 went to Mansfield, one of the prevailing theories was  
14 that Moss was a conspirator with Mr. Reggett?

15 A We thought about that, yes.

16 Q And that accounts for the effort to put  
17 the car into Moss's confession; is that correct?

18 A Not totally.

19 Q Did you all not suggest to him while  
20 the tape was off that the car was there?

21 A No, sir.

22 Q Did you all suspect that this was not  
23 a good confession because he mentioned the car?

24 A No, sir.



Williams - Cross

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1 Q What was the condition of the clothes  
2 you got from UPS of Mr. Reggett's?

3 A Some of them were clean -- something  
4 like new clothes; they had just been cleaned. Other's  
5 were soiled, like they had diesel fuel on them.

6 Q Some of them had diesel fuel and  
7 several of them -- how many were there?

8 A I think there might have been one pair,  
9 like a pair of pants and shirt.

10 Q Okay. Now, tell me, sir, why did you  
11 take the Polaroid camera from the Moss's home, when in  
12 fact, Reggett indicated that it was a Kodak?

13 A When who indicated a Kodak?

14 Q When Moss indicated a Kodak?

15 A He said at one point, he told us it was  
16 a Kodak or a Polaroid.

17 Q And how are you able to identify the  
18 camera, the Kodak, as Mr. Moss's?

19 A I'm not sure ---

20 Q I mean Mr. Reggett's?

21 A John told us that the camera he took  
22 out of the house was on his dresser in his bed room in  
23 Cleveland. When we got there and searched, we searched  
24 the residence and the camera was not where he told us it

Williams - Cross

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1 should be. So, we called -- we got on the telephone and  
2 called the Prosecutor's office and got hold of Chuck  
3 Pettry and asked Chuck to see if he could get John to the  
4 telephone so that we could ask him about the camera.

5 He did. We talked to John over the phone and he  
6 told us that the camera wasn't on his dresser. It was  
7 in his father's car.

8 Q And that's where you found the camera?

9 A Yes.

10 MR. BICKLEY: Your Honor, may we approach the  
11 bench?

12 THE COURT: Yes.

13

14 WHEREUPON, a bench conference was held, where the  
15 following transpired:

16

17 MR. BICKLEY: This is what we've got. We've got  
18 a discovery tie with a rope, and the transcript doesn't  
19 do that. It doesn't say that.

20 MR. REVERCOMB: What's this discovery from?

21 MR. BICKLEY: From you.

22 THE COURT: Is this from the original tape? It's  
23 a little bit different?

24 MR. HUFFMAN: That statement is missing from

Williams - Cross

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1 here.

2 MS. LUSK: They didn't take anything out.

3 MR. REVERCOMB: We ought to take this up outside  
4 the presence of the jury.

5 MR. BICKLEY: I want to hear what his statement  
6 is. It's got to be on the record, in front of a jury.  
7 Then we'll see what the transcript said.

8

9 WHEREUPON, the bench conference was concluded.

10

11 THE COURT: Folks, we're going to recess for  
12 about five minutes. You all may take a break.

13

14 (Out of the Jury's presence)

15

16 MR. BICKLEY: Your Honor, this statement is not  
17 accurate.

18 MS. LUSK: It might be the transcript.

19 MR. BICKLEY: There is no -- this is the  
20 transcript that we got from the Prosecutor's Office.

21 THE COURT: In discovery?

22 MR. BICKLEY: In discovery.

23 THE COURT: What do you want to do?

24 MR. REVERCOMB: Maybe we'll have to listen to the

Williams - Cross

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1 original tape and see where the mistake is. I think  
2 that's the first thing we need to do.

3 MS. LUSK: Because I think about the only thing  
4 that was omitted was the Mansfield references.

5 THE COURT: Well, let's start with the original  
6 tape and go through to this part and listen to it. Who's  
7 got it?

8 MS. LUSK: It's in a box up there.

9  
10 WHEREUPON, the Court and counsel, along with the  
11 defendant, listened to the original tape confession of  
12 John Moss.

13  
14 MR. REVERCOMB: Do you want to listen to the  
15 whole tape or just that part?

16 THE COURT: Let's try to get to that part.

17  
18 (After review of the original taped confession)

19  
20 THE COURT: Do you want that replayed for the  
21 jury?

22 MR. BICKLEY: No.

23  
24 WHEREUPON, the jury returned to the Courtroom

Williams - Cross

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1 where the following transpired:

2

3 BY MR. BICKLEY:

4

5 Q Trooper Williams, how did Paul Reggett  
6 act on the day of the murders, when you were with him?

7 A Like I said before, he just seemed a  
8 little nervous, and he sort of had a blank look on his  
9 face.

10 Q Did you ever say he acted normal?

11 A Yes.

12 Q Okay. Now, Trooper, on the day, I  
13 guess it was December 14th when he made the  
14 demonstration, did he not demonstrate to you all how he  
15 plunged the scissors into his wife's chest?

16 A Yes.

17 Q Would you demonstrate to the jury how  
18 Reggett did that?

19 A Yes.

20 He got over to where she had been tied up to the  
21 door, and he said he got the scissors and he just kind  
22 of bent down and just pushed them in her chest.

23 MR. BICKLEY: I have no further questions.

24

Williams - Cross

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1 REDIRECT EXAMINATION

2

3 BY MR. REVERCOMB:

4

5 Q Trooper Williams, I believe you  
6 testified that Trooper Smith was in the back of that  
7 cruiser on the way after you left Mansfield on October  
8 28, 1980 -- he was back there for some forty-five  
9 minutes. How much of that time was spent discussing this  
10 serious crime, the one that occurred here in West  
11 Virginia?

12 A Oh, maybe about five minutes or so.

13 Q Was that at the beginning or the end of  
14 that forty-five minutes?

15 A At the end.

16 Q The rest of the time he spent in the  
17 back of the cruiser, was Trooper Smith talking about  
18 other matters?

19 A Yes.

20 Q And it's your testimony that you never  
21 saw Trooper Smith strike him?

22 A That's correct.

23 MR. BICKLEY: Your Honor, he's leading the  
24 witness.

Williams - Redirect

613

1 THE COURT: Yeah.

2

3 BY MR. REVERCOMB:

4

5 Q Was John Moss ever struck by anybody in  
6 that car that day?

7 A No.

8 Q Was he ever struck?

9 A No.

10 Q By you or Trooper Smith?

11 A No.

12 Q Now, Mr. Bickley handed you a report  
13 dated June 10, 1980, and which he tried to say that you  
14 received an exhibit from Corporal Shumate on February 6,  
15 1980. Whose report is that?

16 A This is Zain's report.

17 Q That's Trooper Zain saying that he  
18 received that exhibit from Corporal Shumate on February  
19 6th?

20 A Yes.

21 Q It's not your report; is it?

22 A No, sir.

23 Q And that's the Exhibit 100, the  
24 flatware that you got from Ms. Johnson?

Williams - Redirect

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1 A Yes.

2 Q When did you get it from her?

3 A I got it from her on February 6, 1980.

4 Q Who went in and got it?

5 A Trooper Smith.

6 Q Who did she actually give it to?

7 A She actually gave it to Trooper Smith  
8 and he gave it to me.

9 Q What did you do with it on February 6,  
10 1980?

11 A I submitted it to Corporal Shumate in  
12 the fingerprint lab.

13 Q According to the report, Shumate  
14 submitted it on to Zain; correct?

15 A Yes.

16 Q Mr. Bickley, on cross-examination,  
17 stated: Isn't it true that Mr. Moss became more  
18 cooperative after you came back than he was before?

19 Was Mr. Moss ever uncooperative?

20 A No, sir.

21 Q He was cooperative throughout the day?

22 A Yes.

23 Q Now, I believe on December 14, 1979,  
24 when Law Enforcement Officers went back to the house, he



Williams - Redirect

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1 didn't just go in the door and start demonstrating for  
2 you; did he?

3 A No.

4 Q He did that when he was prompted by  
5 questions; didn't he?

6 A Yes.

7 Q Show us how you rigged your wife up?

8 A Yes.

9 Q Did he, just on his own, go over and  
10 show you how he plunged scissors into his wife's chest?

11 A No, sir.

12 Q He was asked to do that; wasn't he?

13 A Yes.

14 MR. BICKLEY: He's leading, your Honor.

15 MR. REVERCOMB: It's cross, Judge, on the issue  
16 of demonstration that was on the subject of direct  
17 examination.

18 THE COURT: Go ahead.

19 MR. REVERCOMB: Thank you, Judge.

20

21 BY MR. REVERCOMB:

22

23 Q He was asked what he did to his  
24 daughter; wasn't he?

Williams - Redirect

616

1 A Yes.

2 Q That's when he told you what he'd done?

3 A Yes.

4 Q He was asked to demonstrate how he  
5 knocked his son down; wasn't he?

6 A Yes.

7 Q That's when he showed you what you  
8 showed the jury?

9 A Yes.

10 Q He didn't do that on his own; did he?

11 A No, sir.

12 Q Paul Reggett had seen the location  
13 where the bodies were; is that right?

14 A Yes.

15 Q You were called to the scene on  
16 December 13th, when he showed you what he had found;  
17 right?

18 A Yes.

19 Q He told you that he had moved the  
20 bodies, and took his little girl down off the door?

21 A Yes.

22 Q He told you that he took his little boy  
23 out of the bath tub?

24 A Yes.

Williams - Redirect

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1                   Q           Now, when he told you at the scene, and  
2                   showed you the demonstration the next morning about the  
3                   gun going off, you could see the bullet hole in the bed;  
4                   couldn't you?

5                   A           Yes.

6                   MR. REVERCOMB: May I have a moment, your Honor?

7                   THE COURT: Yes.

8

9                   BY MR. REVERCOMB:

10

11                   Q           Mr. Bickley went into the confession of  
12                   John Moss and questioned you about Paul Reggett's car  
13                   being there -- whether Paul was there, and suggested that  
14                   you had some sort of conspiracy theory.

15                   On October 28, 1980 -- prior to October 28, 1980,  
16                   how many confessions had you gotten?

17                   A           One.

18                   Q           Who was it from?

19                   A           Paul Reggett.

20                   Q           And after his confession -- after  
21                   Moss's confession in October of 1980, you took a sample  
22                   of his blood; correct?

23                   A           That's correct.

24                   Q           When was that?

Williams - Redirect

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1 A April 22, 1981.

2 Q I believe you also testified that blood  
3 had been found in that house which didn't match the  
4 Reggett family?

5 A Yes.

6 MR. HUFFMAN: Objection, your Honor. I don't  
7 think there's any evidence to that effect. I'm not even  
8 sure he's competent to give that kind of testimony. I  
9 don't think that evidence is even in yet.

10 I think he testified that there were substance  
11 there that he thought were blood, but I don't think he  
12 can give testimony as to who it belonged to or anything  
13 of that nature.

14 THE COURT: I'll overrule the objection.

15

16 BY MR. REVERCOMB:

17

18 Q What would the presence of foreign  
19 blood, if it doesn't belong to that family, what would  
20 that tell you about Paul Reggett's confession?

21 MR. BICKLEY: Your Honor, objection. I don't  
22 think we've got any ---

23 THE COURT: I'll sustain that objection.

24 MR. REVERCOMB: I believe that's all I have.

Williams - Recross

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1                                   RE CROSS-EXAMINATION

2

3           BY MR. BICKLEY:

4

5                   Q           Trooper Williams, is it not true that  
6           there were two confessions, not one? Is that true?

7                   A           Who?

8                   Q           For Reggett, there were two  
9           confessions?

10                  A           Well, he confessed on the night of  
11           December 13th and 14th, and then the next day again.

12                  Q           So, it was two confessions?

13                  A           Well, the first time he confessed, I  
14           was not present.

15                  Q           Okay. But you are aware that there  
16           were two confessions?

17                  A           Well ---

18                  Q           At least a minimum of two?

19                  A           Yes.

20                  Q           But you just testified that there was  
21           one.

22                  A           Well, I misunderstood. There was two  
23           from Reggett. He gave one orally. Then he came to the  
24           scene and he gave -- he took us through the scene.

Williams - Recross

620

1 Q Okay. Now, is it not true that John  
2 Moss was having some memory problems, and after you left  
3 the room, his memory improved; is that not true? When  
4 you returned?

5 A Yes.

6 Q Okay. Now, we get to the  
7 demonstration.

8 Mr. Revercomb indicated that you asked Reggett  
9 -- did you ask Reggett whether he was mad at his wife  
10 that morning?

11 A Which morning are you speaking of?

12 Q The morning of the demonstration.

13 A Was he asked if he was mad at his  
14 family?

15 Q Yes.

16 A I don't recall if he was or not.

17 Q He volunteered that; didn't he?

18 A I don't recall if he even said anything  
19 about that. Maybe it didn't even come up.

20 Q Didn't you just testify that the reason  
21 he indicated that he -- his kids were running around and  
22 he was upset?

23 A Yes, I did testify to that.

24 Q Did you ask him if those kids were

Williams - Recross

621

1 running around and he was upset?

2 A I don't recall asking him that. He  
3 could have been asked that.

4 Q He could have been asked that?

5 A Yes.

6 Q Could he have been asked whether he put  
7 the little boy in the bath tub?

8 A Yes, he was asked that.

9 Q Did you ask if he put the boy in the  
10 bath tub or did he volunteer that?

11 A We asked him what he did with the  
12 little boy.

13 Q But you didn't ask him did he put the  
14 boy in the bath tub; did you?

15 A No.

16 Q And no one else did; did they?

17 A Not to my knowledge.

18 Q No one asked him if he hung the little  
19 girl on the door; is that true?

20 A Pardon?

21 Q Did anyone ask him if the girl was hung  
22 on the door?

23 A Yes, he was asked that.

24 Q Did he hand the girl on the door?

Williams - Recross

622

1 A He said that he did.

2 Q I understand that, but they did not  
3 even know that she was hung on the door until he told  
4 them so; is that a true statement?

5 A No, sir.

6 Q Did you know on December 13th that the  
7 girl was hanging on the door?

8 A He told us on December 13th. He told  
9 me that when he came home from work that the little girl  
10 was hanging on the door.

11 Q I understand that. He told you. You  
12 did not know that. You did not see her?

13 A No, sir.

14 Q So, Reggettz volunteered that  
15 information; is that correct?

16 A Yes.

17 Q You didn't force him to say that?

18 A No.

19 Q You didn't force him to demonstrate how  
20 he put the scissors in his wife's chest; did you?

21 A No, we did not force him to do that.

22 Q But you asked him to show you?

23 A Yes.

24 Q And he showed you?



Williams - Recross

623

1 A Yes.

2 Q And it was voluntary?

3 A Yes.

4 Q It wasn't forced?

5 A No.

6 Q And you didn't ask him to tell you that  
7 he was mad at his wife because he kids were upsetting him  
8 running around. That was something that Reggett told  
9 you?

10 MR. REVERCOMB: Your Honor, I object. That's  
11 been asked and answered before.

12 THE COURT: I'll allow it. You may answer the  
13 question.

14 THE WITNESS: Yes.

15 MR. BICKLEY: I have no further questions.

16

17 RE-REDIRECT EXAMINATION

18

19 BY MR. REVERCOMB

20

21 Q One final question, Trooper Williams.  
22 On December 14th, at the time of the demonstration, Dr.  
23 Sopher had had a chance to look at the victim's bodies;  
24 hadn't he?

Williams - Re-Redirect

624

1 A Yes.

2 MR. REVERCOMB: I have nothing further.

3 MR. BICKLEY: I have nothing further.

4 THE COURT: May the Trooper be excused?

5 MR. REVERCOMB: Yes, your Honor.

6 THE COURT: Thank you. You may step down.

7 Do you want to call your next witness, please?

8 MR. REVERCOMB: Yes, your Honor.

9 The State would call Scott Leasure. I need to  
10 have him brought up from downstairs.

11 THE COURT: Okay.

12 While Mr. Revercomb is getting the next witness,  
13 let me get everyone up here.

14

15 WHEREUPON, a bench conference was held which was  
16 off-the-record.

17

18 (Back on the Record)

19

20 MR. REVERCOMB: Your Honor, we call Scott Leasure  
21 to the stand, please.

22

23 WHEREUPON, Scott Leasure was sworn, and upon his  
24 oath, deposed as follows:

Williams - Re-Redirect

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1 DIRECT EXAMINATION

2

3 BY MR. REVERCOMB:

4

5 Q Would you please state your name,  
6 please?

7 A Scott Leasure.

8 Q Where are you employed?

9 A I'm employed by Wendy's, International.

10 Q How long have you been employed by  
11 Wendy's, International?

12 A Seven years.

13 Q Where do you currently live?

14 A I live in Lexington, Kentucky.

15 Q I'd you for you to recall December 13,  
16 1979.

17 A I lived at 821 Strawberry Road in St.  
18 Albans, West Virginia.

19 Q Where did you work?

20 A I worked at A&W Root Beer on MacCorkle  
21 Avenue.

22 Q And whereabouts on MacCorkle Avenue  
23 would that be?

24 A Between the end of Kanawha Terrace,

Leasure - Direct

626

1 about a mile back down towards St. Albans from there.

2 Q That would be near Fourth Avenue or  
3 Fourth Street?

4 A Yes.

5 Q I'll call your attention more  
6 specifically -- strike that.

7 What did you do at A&W Root Beer?

8 A I started out just as an employee, and  
9 about the time in December of '79, I was manager.

10 Q I want to call your attention more  
11 specifically to the date of December 13, 1979, at  
12 approximately noon, or shortly thereafter, and ask you  
13 if anything unusual happened?

14 A Yeah. I was working behind the  
15 counter. I had just gotten an order and taken it back  
16 to the cook and a gentleman walked in. He kind of looked  
17 around and started to walk back out, then walked back in  
18 again. He had a dollar bill in his hand. He laid it on  
19 the counter and asked me to please call help. He said  
20 someone had killed his wife. He asked me again, will you  
21 call help, the police, or someone?

22 He started to turn around and walk back out. He  
23 took a few steps and then he turned around and told me  
24 the address for them to come to, which I believe was 7027

Leasure - Direct

627

1 Chesapeake Avenue.

2 Q In St. Albans.

3 A In St. Albans.

4 Q Could you describe his condition at the  
5 time?

6 A He was pretty upset. He seemed like he  
7 had just witnessed something traumatic. He was pretty  
8 disorganized, and didn't really know what to do or what  
9 to say. He was just kind of trying to get someone to  
10 help him.

11 Like I said, when he came in, he was just looking  
12 around, wondering what to do, when he asked me to please  
13 help him.

14 Then, when he left, it kind of stunned me. I  
15 stood for a second and turned around and looked, and he  
16 was already almost to the end of our lot, which I would  
17 say is about thirty yards or something, and that's when  
18 I went into the office to try to call the County  
19 Sheriffs. We had it already programmed on the telephone.  
20 I tried them approximately two times, and it was busy.

21 So, I called the Operator and told her to put me  
22 through to the State Police. Then I told the State  
23 Police what he had told me.

24 Q And as he left your establishment

Leasure - Direct

628

1 there, in which direction did he go?

2 A He went towards the Kanawha Terrace  
3 side of our building, which is where we had all of our  
4 parking.

5 Q Was that the said away from Route 60?

6 A Away from Route 60. It was straight  
7 down. We were parallel to Route 60.

8 He just went straight down toward the end of the  
9 lot. There was a street that went down there.

10 Q You don't remember the name of that  
11 street?

12 A I didn't know it at the time. I do  
13 know that it was where his house was located. Later on,  
14 I found out that that's where his house was located.

15 Q What's the name of that street?

16 A I think it's Chesapeake Avenue, but I'm  
17 not sure.

18 Q You're telling me he went down toward  
19 his house?

20 A He went pretty quickly, because it was  
21 just a short amount of time that I was stunned. When I  
22 turned around and looked for him, he was already down at  
23 the end of the lot, headed down the road.

24 Q Did you see him again later?

Leasure - Direct

629

1           A           Yeah.    It took approximately five  
2 minutes for the Police to come. As I saw the Police  
3 coming down the road, I was going to go out and I saw him  
4 then back up the road, waving at the Police, to come down  
5 to where he was at.

6           Q           Did you later learn who had been  
7 killed?

8           A           Later that day, yes. I learned that it  
9 was his wife and two children, which I knew. I knew  
10 them, not by name or anything, but I saw them quite  
11 often.

12                   The two children came in just about every day,  
13 usually by themselves. The mother would be on the lot  
14 or just walk them up to the end. They would come up and  
15 get penny candy or some type of treat after school,  
16 because it was later in the afternoon. They would come  
17 in and get something to drink, but they came in quite  
18 often, so we knew who they were.

19           Q           Had you ever seen the children, or the  
20 mother and a child, be dropped off at that intersection  
21 of Route 60 before?

22           A           Just about every day, the mother and  
23 the daughter were let out from a blue Honda there at the  
24 end of the road. To the best of my knowledge, the boy

630

1 was never with them at that time. It was always the  
2 daughter and the mother that were let out.

3 MR. REVERCOMB: May I have a moment, your Honor.

4 THE COURT: Yes.

5 MR. REVERCOMB: I have nothing further of this  
6 witness.

7

8 CROSS-EXAMINATION

9

10 BY MR. HUFFMAN:

11

12 Q Mr. Leasure, we have one or two  
13 questions for you.

14 You have a pretty good memory for dates, and  
15 addresses, or would you consider yourself good?

16 A Fairly well. I remember all of this  
17 because it was so traumatic. It was something that had  
18 never happened before.

19 Q Did you discuss your testimony at all  
20 today before coming in here to testify, with anybody from  
21 the Prosecutor's office?

22 A I had discussed briefly what I  
23 remembered with him today, yes, sir.

24 MR. HUFFMAN: I have no other questions.



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1 MR. REVERCOMB: I have nothing further, your  
2 Honor.

3 THE COURT: Thank you, Mr. Leasure, you may be  
4 excused.

5 You want to call your next witness?

6 MS. LUSK: The State will call John Fulks, your  
7 Honor.

8  
9 WHEREUPON, John Fulks was duly sworn, and upon  
10 his oath, deposed as follows:

11

12 DIRECT EXAMINATION

13

14 BY MS. LUSK:

15

16 Q Would you state your name, please?

17 A John Fulks.

18 Q Are you employed?

19 A Yes.

20 Q By whom?

21 A The West Virginia Court of Claims.

22 Q How long have you been at the West  
23 Virginia Court of Claims?

24 A Five years.

Fulks - Direct

632

1 Q Were you employed prior to that job?

2 A Yes.

3 Q By whom?

4 A I worked at the Greyhound Race Track.

5 I was self-employed before that. And I was with the West  
6 Virginia Department of Public Safety for twenty-six  
7 years.

8 Q Did you retire from the Department of  
9 Public Safety?

10 A Yes, I did.

11 Q When was that?

12 A December of 1983.

13 Q What was your primary responsibility  
14 with the Department?

15 A I was in charge of the photography  
16 section.

17 Q Are you a photographer yourself?

18 A I was, yes.

19 Q I would ask you if you were called to  
20 a crime scene on Chesapeake Avenue in St. Albans on  
21 December 13, 1979?

22 A I was.

23 Q What did you do there?

24 A I photographed a murder scene.

Fulks - Direct

633

1           Q           Do you recall whether you had the  
2           opportunity to photograph the scene before the scene was  
3           moved, or disturbed, rather?

4           A           Yes.

5           Q           Do you recall approximately how many  
6           photographs you took?

7           A           As well as I recall, there were ninety-  
8           one photographs.

9           Q           Now, have you had the opportunity  
10          during the break, Mr. Fulks, to examine these ninety-one  
11          photographs which are numbered State's Exhibits 1 through  
12          90 and then 94, skipping numbers 91, 92 and 93, for  
13          ninety-one photographs total; correct?

14          A           Okay. Of the ninety-one, there was two  
15          of those that are not there. Those were, as I recall,  
16          were photographs of the Prosecuting Attorney and the  
17          Medical Examiner that was standing outside, and had  
18          nothing to do with the crime scene.

19          Q           Okay. Do you have -- do you recognize  
20          the photographs you just examined?

21          A           Yes, I do.

22          Q           Are those the same photographs that you  
23          took on Chesapeake Avenue in St. Albans on December 13,  
24          1979?

Fulks - Direct

634

1           A           Yes. These are enlargements of the  
2 negatives that I shot on that date.

3           Q           Do these photographs truly and  
4 accurately depict the scene as you viewed it on that day?

5           A           They do.

6           Q           Do you recall approximately what time  
7 you photographed the scene?

8           A           I arrived at the scene at 12:45 p.m.

9           Q           Did you photograph the scene  
10 immediately?

11          A           Yes.

12          MS. LUSK: I believe that's all.

13

14

CROSS-EXAMINATION

15

16          MR. BICKLEY: I have no questions, your Honor.

17          THE COURT: Thank you, Mr. Fulks. You may step  
18 down.

19          Call you next witness?

20          MR. REVERCOMB: The State will call Joe Jarrell.

21

22          WHEREUPON, Joe Jarrell, was duly sworn, upon his  
23 oath, and deposed as follows:

24

DIRECT EXAMINATION

BY MR. REVERCOMB:

Q Would you please state your name for the record?

A Joe Dean Jarrell.

Q Where are you employed?

A United Parcel Service.

Q How long have you been employed there?

A Eighteen and a half years.

Q In what capacity are you currently employed?

A I'm a driver.

Q How long have you been a driver?

A About fifteen years.

Q Prior to being a driver, what would your job description have been?

A I was a -- I worked inside, loading trucks, washing trucks, and working on trucks.

Q Are you acquainted with Paul Reggett?

A Yes, sir.

Q How are you acquainted with him?

A I worked with him inside for a while,

Jarrell - Direct

636

1 then I went to driving. I've known Paul for a lot of  
2 years.

3 Q How long have you known Paul?

4 A Probably eight or nine years.

5 Q At that time, in 1979?

6 A Right.

7 Q In this job you describe as being a  
8 driver, is that the same job that Paul Reggettzt held in  
9 1979?

10 A He wasn't a driver, he was an inside  
11 man and a yard man, washing trucks, parking trucks,  
12 unloading trucks, anything to do with that.

13 Q Which is what you had done before;  
14 right?

15 A Right.

16 Q In 1979, where was the UPS yard  
17 located?

18 A In Rand.

19 Q Where is it now?

20 A It's in South Charleston, at the  
21 Ordnance Center.

22 Q I call your attention to December of  
23 1979, and ask you -- around Christmas time, how busy  
24 would you have been?

Jarrell - Direct

637

1           A           I was very busy. We didn't have a free  
2           minute at that time, inside or outside. Everybody was  
3           busy.

4           Q           I call your attention more specifically  
5           to December 13, 1979, and ask you if late that evening  
6           you became aware of something unusual happening that day?

7           A           Yeah. One evening when I came in from  
8           my route, I found that Paul's family had been murdered.  
9           I believe that's ---

10          Q           Mr. Jarrell, if you would, please scoot  
11          forward and speak a little louder, please.

12                    Would you repeat that please?

13          A           Yes. I came in from my route that  
14          evening and found out that Paul's family had been  
15          murdered.

16          Q           What shift did you work at that time?

17          A           I was working the day shift, driving.  
18          I started up at 8:30 in the morning.

19          Q           Had you seen Paul Reggett that  
20          morning?

21          A           Yes, I had.

22          Q           What time would that have been,  
23          approximately.

24          A           It would have been fifteen or twenty

Jarrell - Direct

638

1 minutes before I started to work -- in the lunch room.

2 Q So, Paul was in the lunch room?

3 A That morning, yes.

4 Q What would Paul Reggettz have been  
5 doing?

6 A He takes his break at that time every  
7 morning.

8 Q He used that as his lunch break?

9 A I don't know if that was his lunch  
10 break. He just took a fifteen or twenty minute break,  
11 but he would be there every morning at about that time.

12 Q Did you notice anything unusual that  
13 morning about Paul Reggettz?

14 A Not a thing.

15 Q How long did you say that you've known  
16 him?

17 A I've known him for about eight or nine  
18 years; at least eight.

19 Q Could you describe his condition -- I  
20 guess that's the last time you've seen him for a while?

21 A Well, he was just his normal self that  
22 morning. He was sitting there having coffee with  
23 everybody else at the table. Nobody could tell that  
24 anything was wrong with him. I don't believe he knew



Jarrell - Direct

639

1 that anything was wrong at that time.

2 MR. HUFFMAN: Your Honor, I'm going to object to  
3 that. I don't know that this witness can make that kind  
4 of statement.

5 THE COURT: You can cross-examine on that. I'll  
6 allow it.

7

8 BY MR. REVERCOMB:

9

10 Q How did Paul Reggett act when  
11 something was bothering him?

12 A Well, when something was bothering him,  
13 you could tell. If somebody would say something to him,  
14 he would get pretty down on his self. He wasn't down  
15 that morning.

16 Q Pardon?

17 A He wasn't down that morning. You could  
18 usually tell if something was bothering him.

19 Q Is that because you've known him for so  
20 long?

21 A I've know him for a long time.

22 MR. REVERCOMB: That's all I have, your Honor.

23

24

Jarrell - Cross

640

CROSS-EXAMINATION

BY MR. HUFFMAN:

Q Mr. Jarrell, what do you do now for  
UPS?

A I drive the routes.

Q You drive one of these trucks like we  
see in the TV commercials that has a sun roof in it?

A Yeah, but I don't have a sun roof.

Q How long were you a car washer?

A About two, two and a half years, three  
maybe.

Q For what period of time would that have  
covered?

A '71 to about '74.

Q So you'd been driving a truck by then  
-- since 1979, you'd been driving a truck for several  
years; is that what you're saying?

A Yes.

Q Were you driving the same kind of truck  
then as you are now?

A Yeah.

Q How much money were you making when you

Jarrell - Cross

641

1 were a car washer? What do they pay you for that kind  
2 of job?

3 A It was about two dollars less on an  
4 hour than driving a truck. At that time, probably twelve  
5 thousand a year.

6 Q Twelve thousand a year -- that would  
7 have been in '70-what?

8 A '72.

9 Q Where was it that you said you saw Paul  
10 Reggett on the 13th of December?

11 A It would have been that morning in the  
12 coffee room.

13 Q Did you sit down and talk to him?

14 A Not personally.

15 Q So, you didn't have a conversation with  
16 him at all?

17 A Not a conversation. I'd always say  
18 hello and he'd say hello to everybody that came in.

19 Q Was that the extent of your  
20 conversation on the 13th? You said hello and he said  
21 hello?

22 A Yes.

23 Q And you were able to determine from the  
24 one word you said and the one word he said back whether

Jarrell - Cross

642

1 he was feeling good or bad?

2 A Sure.

3 Q Did he seem to be happy?

4 A Yes, he did.

5 Q Did he appear to be relieved of  
6 anything?

7 A Why, no. Not in that kind of a sense.

8 Q Do you know how much car washers or  
9 inside people were making in 1979? Would you know that?

10 A Probably around eight or nine dollars  
11 an hour, most likely. I couldn't swear to that.

12 MR. HUFFMAN: That's it. No further questions,  
13 Judge.

14

15 REDIRECT EXAMINATION

16

17 MR. REVERCOMB: I have nothing further.

18

19 THE COURT: Thank you, Mr. Jarrell. You may step  
20 down.

21 MR. REVERCOMB: Your Honor, this is probably  
22 going to be a pretty good time to take a break.

23 THE COURT: How much time do you want?

24 MR. REVERCOMB: About ten minutes.

643

1 THE COURT: Folks, we'll take about ten minutes.

2

3 WHEREUPON, the Court stood in a recess in the  
4 hearing of this case.

5

6 (Back on the Record)

7

8 THE COURT: Ladies and gentlemen, as you were  
9 coming in, Mr. Estep was given the oath. So, he has been  
10 sworn.

11

12 WHEREUPON, William Estep, was duly sworn, and on  
13 his oath, deposed as follows:

14

15 DIRECT EXAMINATION

16

17 BY MR. REVERCOMB:

18

19 Q Would you please state your name, sir?

20 A William D. Estep.

21 Q Where are you employed?

22 A United Parcel Service.

23 Q How long have you been with them?

24 A Since 1973.

Estep - Direct

644

1 Q Back in 1979, where were you employed?

2 A At the Rand building, up in Rand.

3 Q In what capacity?

4 A As free load manager.

5 Q Were you acquainted with one Paul

6 Reggett?

7 A He worked for me.

8 Q You were his immediate supervisor?

9 A Yes, I was.

10 Q Would you describe what his job was?

11 A He was responsible for movement of the  
12 tractor trailers and putting them on the door for me.  
13 He also washed the tractors and fueled them as they came  
14 in, in preparation for going out the next morning, when  
15 the drivers came in.

16 Q Then you all worked the same shift?

17 A Yes, we did.

18 Q What shift was that at that time, if  
19 you remember?

20 A Usually around 2:00 in the morning  
21 until around 10:00 o'clock. I don't know whether Paul  
22 may have come in a half hour before me, or something like  
23 that. But there was -- we pretty well got there at the  
24 same time.

Estep - Direct

645

1 He was responsible to me. I was his supervisor  
2 or manager through the whole process.

3 Q Let me call your attention to the early  
4 morning hours of December 13, 1979, and ask you if  
5 anything unusual happened to Paul Reggett while he was  
6 working -- or, I guess, not unusual, but did anything  
7 happen while he was fueling the tractors?

8 A Well, the fuel line for this building  
9 is on the back side of the building, which he is  
10 responsible for in the wintertime. He has to wash the  
11 tractors and, in the summertime, he would be right  
12 outside that building. There was a fuel island there.  
13 He had to fuel all of the tractors.

14 That particular morning, Paul was fueling a  
15 tractor, fueling two at a time, and the hose had a bubble  
16 in it, which it burst and fuel oil went all over his  
17 uniform. UPS provides the uniforms.

18 Q Did you see it happen?

19 A Yes, I did. At that time of the  
20 morning, the hub has been over with, and we're lining up  
21 -- moving these cars from the wash area, and we're having  
22 to stage them for the preload. These are the same  
23 package cars you see on the street.

24 We load them. At that time, we were loading them

Estep - Direct

646

1 at 2:30 in the morning, until the drivers came in, and  
2 got out on the road at about 8:00 o'clock or 8:30.

3 Q Now, this fuel line, or fuel line that  
4 busted -- is that unusual?

5 A It's unusual it bursting. It's not  
6 unusual to have a fuel spill. It's like you take your  
7 car to a fueling station and in the process of putting  
8 it in, he was fueling two tractors -- lots of time he'll  
9 fuel two tractors at the same time, or he's moving it  
10 across the back of the trailer or the tractor to put it  
11 in the other side. And you'll see a fuel spill there,  
12 yes.

13 Q And this bubble inside of the fuel  
14 nozzle, does that occur with wear?

15 A It's wear. As much as you're moving  
16 that hose back and forth, climbing behind the cab of it,  
17 it gets worn, and like any garden hose, you wear it  
18 enough and you'll see it begin -- the fiber begins  
19 splitting and you'll see a bubble appear.

20 Q And the Christmas season at UPS, is  
21 that a busy time for you?

22 A It's our heaviest time of the year;  
23 yes, sir.

24 Q How long had Paul worked there; do you



Estep - Direct

647

1 know?

2 A Paul was there long before I came  
3 there. I would estimate that -- I remember Paul's name  
4 coming up when I started working at UPS. When I started  
5 there, that was in 1974 or '75, when I worked out of  
6 Bluefield. I don't know what date he started or anything  
7 like that.

8 Q Did you notice anything unusual about  
9 him that morning?

10 A Nothing. Absolutely nothing. He had  
11 performed the tasks, and like I said, his job is one of  
12 -- he had to be in a certain place.

13 I depended on Paul to not only wash those  
14 tractors, but to have them repaired and fueled for the  
15 feeder drivers to pick them up the next morning. And we  
16 had feeder drivers moving tractors out of there starting  
17 at somewhere around 3:30 or 4:00 o'clock in the morning,  
18 either going to Covington, Virginia, or going into north  
19 of Covington. They went to Lexington, Kentucky and into  
20 Columbus, Ohio.

21 And augmented within that, Paul had to move the  
22 trailers on and off the door for me. As I emptied one,  
23 he'd put another on. And I had, at that time of year -  
24 - we were having to move on and off at least three

Estep - Direct

648

1 different doors. So he was required to be in those  
2 positions. At least I could count on getting him and  
3 having him move those trailers. Many times, I would move  
4 one and he would put another one up.

5 Q And you worked with him all that time?

6 A Yes.

7 Q And you noticed nothing unusual about  
8 him?

9 A No, nothing at all.

10 Q Knowing Mr. Reggett at the time, Mr.  
11 Estep, if something was bothering him, would you be able  
12 to tell it?

13 A No, not any more so than, you know, I'm  
14 basing everything on his job performance. The job  
15 performance he did for me that night was no different  
16 than what he'd done in the years, year or so that he had  
17 worked for me before that.

18 He performed with no interruptions. I saw him  
19 during the break time, in my office, or I could look  
20 straight out the door to his area. That door was open  
21 and I saw movement whenever I had to talk or get on the  
22 intercom and tell Paul to get me another -- get me  
23 whatever load it is. We had loads coming in on three  
24 different directions.

Estep - Direct

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1           He did not fail in any shape or form to perform  
2           that duty. I think probably if he was upset or if he had  
3           his mind on something else, it would probably have been  
4           evident.

5           Q           Because of the job he performed at the  
6           time? Timed so tightly?

7           A           Yes.

8           MR. REVERCOMB: Thank you. That's all I have.

9  
10                           CROSS-EXAMINATION

11

12           MR. HUFFMAN: We have no questions.

13

14           THE COURT: Thank you, sir. You may step down.  
15           May Mr. Estep be excused?

16           MR. REVERCOMB: Yes, your Honor.

17           THE COURT: You may be excused.

18           Your next witness, please?

19           MS. LUSK: Your Honor, the State calls Clarence  
20           Ralph Lane.

21

22           WHEREUPON, Clarence Ralph Lane, was duly sworn,  
23           and upon his oath deposed as follows:

24

DIRECT EXAMINATION

BY MS. LUSK:

Q Would you state your name for the record, please?

A Clarence Ralph Lane.

Q Are you employed?

A Yes.

Q By whom?

A The West Virginia Department of Public Safety.

Q In what capacity?

A As a tool and firearm examiner.

Q Do you have any special training in that area?

A Technically, it's all on-the-job training. There are no schools, as such.

Over eighteen years ago, I was transferred into the lab to work with and under the direction of Lieutenant Langley, who was in charge. I worked at his directorship for fifteen or so years.

After being transferred into the lab, and working with Lieutenant Langley, I had the opportunity attend

Lane - Direct

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1 seminars at most firearms manufacturing plants in the  
2 northeastern part of the United States.

3 I also worked with officers in Pennsylvania and  
4 New York and Kentucky in State Police labs.

5 And I worked at the A. B. White Laboratory, which  
6 is an independent laboratory -- and I worked with FBI  
7 agents in D.C. and attended seminars and classes at  
8 Quantico.

9 Q And you've been working in that  
10 particular field in the State Police ballistics  
11 laboratory for eighteen years?

12 A Eighteen and a half years, yes.

13 MS. LUSK: Your Honor, at this time, I would move  
14 to have Lieutenant Lane qualified as an expert -- as a  
15 firearm expert.

16 MR. BICKLEY: No objection.

17 THE COURT: Very well.

18

19 BY MS. LUSK:

20

21 Q At this time, I would like to show you  
22 State's Exhibit 104 and ask you to examine that exhibit.

23 Can you tell the jury what's contained in Exhibit  
24 104?

Lane - Direct

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1           A           One fired .22 rim-fired bullet and one  
2           piece of paper with tape that appears to be fingerprint  
3           tape, wrapped around a white card.

4           Q           Now, you say a .22 caliber bullet?

5           A           Yes, ma'am.

6           Q           Would this .22 caliber bullet have to  
7           be fired from any particular kind of firearm?

8           A           From a .22 caliber barrel. That's the  
9           diameter or the bullet that's been fired.

10          Q           Would it have to be a rifle bullet as  
11          opposed to a handgun?

12          A           No, it wouldn't.

13          Q           Could this bullet have been fired from  
14          a .22 pistol?

15          A           It could have.

16          Q           Now, I take it, in this instance,  
17          Lieutenant, you did not receive any firearm or handgun  
18          to make a comparison; is that correct?

19          A           That's right.

20          Q           Tell the jury, if you have a firearm,  
21          what you can do.

22          A           You test fire the firearm into a bullet  
23          recovery tank, so that you have fired bullets that came  
24          through that particular rifle barrel. Then, the test

Lane - Direct

653

1 fired bullet can be placed on one stage of a comparison  
2 microscope and the submitted item can be placed on the  
3 opposite stage, and through the optical bridge you can  
4 compare tests and compare them microscopically for  
5 characteristics, attempting to identify what is submitted  
6 with a particular firearm.

7 Q But you have to have a firearm in order  
8 to make that firearm comparison?

9 A To look at the characteristics, yes.

10 Q Going back to the bullet, Lieutenant,  
11 is there any particular manufacturer that this bullet is  
12 consistent with?

13 A It has a dimpled base on it, which is  
14 typical of a Winchester Wesson.

15 Q Now, contained on the scotch tape, did  
16 you receive the gun powder residue?

17 A It had partially burnt and unburnt  
18 powder particles between the tape and the piece of  
19 cardboard itself, actually.

20 Q And have you examined this?

21 A Yes, I have.

22 Q Do you have any opinion as to what that  
23 might be consistent with?

24 A It's a powder which is typical from a

Lane - Direct

654

1 Winchester manufacturer. There is cork, ball, powder,  
2 round spherical shapes.

3 Q When did you receive Exhibit 104?

4 A December 14, 1979.

5 Q Did you keep it in your care, custody  
6 and control until you brought it to Court?

7 A Yes, ma'am, I did.

8 Q During that period of time, you had it  
9 in your custody, did you make any alterations or changes  
10 to it?

11 A No more than putting my case number and  
12 initials on the bullet and noticing the damaged portions  
13 on the white piece of cardboard.

14 MS. LUSK: That's all of the questions that I  
15 have.

16

17 CROSS-EXAMINATION

18

19 BY MR. HUFFMAN:

20

21 Q Mr. Lane, if I understand your  
22 testimony correctly, you identified the Exhibit 104 as  
23 a .22 caliber bullet; is that correct?

24 A A .22 rim-fired long rifle, yes, sir.



Lane - Cross

655

1 Q You're not able to identify whether or  
2 not that was fired from a .22 caliber pistol or rifle;  
3 is that correct?

4 A Not unless I had a firearm to compare  
5 with it.

6 Q Which you didn't have?

7 A That's right.

8 MR. HUFFMAN: I have no further questions.

9 MS. LUSK: That's all I have.

10 THE COURT: May Mr. Lane be excused?

11 MS. LUSK: Yes.

12 THE COURT: Thank you, Mr. Lane. You may be  
13 excused.

14 Are you finished?

15 MS. LUSK: Yes.

16 THE COURT: Folks, we're a bit ahead of schedule  
17 and we're going to break. We've run out of witnesses to  
18 call. We're going to take a recess.

19 Again, I noticed in this morning's paper, an  
20 article about the case, with photographs involved. I am  
21 confident that you've followed my instructions and didn't  
22 read it.

23 Please -- we've had a television camera here the  
24 whole day. Just ignore that and go about your business

656

1 and don't read, listen to or watch any news coverage of  
2 the case. Also, I'll remind you again, please don't  
3 discuss the case among yourselves or with other persons.

4 With that, I'll excuse you. If you'll come back  
5 tomorrow morning at 9:00 o'clock, we'll get started very  
6 shortly after that.

7

8 WHEREUPON, the Court stood in a recess in the  
9 hearing of this case.

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

I, Connie L. Cooke, Official Reporter for the Circuit Court of Kanawha County, do hereby certify that the foregoing is a true and correct transcript of the proceedings had and reported in the matter of the State of West Virginia versus John Moss, Jr., aka John Moss, III, upon action number 82-F-221, as stated in the caption hereto, had on the 18th day of April, 1990, during the May 1990 Term of said Court, as reported by me and transcribed into the English language.

I hereby certify that the transcript within meets the requirements of the Code of the State of West Virginia, 51-7-4, and all rules pertaining thereto as promulgated by the Supreme Court of Appeals.

Given under my hand this 13th day of July, 1990.

Connie L. Cooke

Official Reporter

1 IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
2

3  
4 STATE OF WEST VIRGINIA  
5

6 vs.

Action No. 82-F-221

7  
8 JOHN MOSS, JR., aka JOHN MOSS, III  
9

10 BEFORE: Hon. A. Andrew MacQueen, Judge  
11

12 Day 4  
13  
14

15 APPEARANCES  
16

17 For the State: Neva Lusk and Stephen Revercomb,  
18 Assistant Prosecuting Attorneys for Kanawha County.

19 For the Defendant: The Defendant, in person, and  
20 by Nelson R. Bickley, Timothy N. Huffman, and Cathy  
21 Beckett, his counsel.  
22

23 Connie L. Cooke  
24

Official Reporter

**FILED**

JAN 23 1930

## WITNESSES FOR THE PLAINTIFF

		D	X	RD	RX
1)	Trooper Terry Williams	425	590	612	619
2)	Scott Leasure	625	630		
3)	John Fulks	631			
4)	Joe Dean Jarrell	635	640		
5)	William D. Estep	643			
6)	Lt. Clarence Ralph Lane	650	654		
7)	Paul Reggett	661	735	762	764
8)	Trooper Robert R. Custer	767	779	781	
9)	Sgt. R. L. Presson	782	796	798	
10)	Irvin R. Sopher, M.D.	799	864	<del>885</del>	
11)	Paul Fortson	870			
12)	Arbutus Johnson Pomeroy	896	903	905	
13)	Michael D. Smith (In Camera)	907	913		
14)	John Moss (In Camera)	917	919	914	
15)	Michael Don Smith	931	978		
16)	Charles E. Pettry, Jr.	997	1004	1009	
17)	Lt. David H. Shumate	1021	1045		
18)	Fred S. Zain	1048	1053		
	and	1065	1125	1135	1137

1

## WITNESSES FOR DEFENDANT

2

3

D X RD RX

4

5

1) Alexander Fortson

1164 1173

6

2) Willie James Moss

1179 1187 1191 1192

7

3) John Moss, Jr.

1193

8

4) John C. Wideman

1202 1204

9

5) Trooper Howard Woodyard

1208 1222 1233 1234

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24

1 BE IT REMEMBERED, that on Thursday, the 19th day  
2 of April, 1990, during the May 1990 Term of said Court,  
3 in the matter of the State of West Virginia versus John  
4 Moss, Jr., aka John Moss, III, as stated in the caption  
5 hereto, the following transpired:

6

7 THE COURT: Welcome back. Is the State ready to  
8 call your next witness?

9 MR. BICKLEY: May we approach the bench, your  
10 Honor?

11 THE COURT: Sure.

12

13 WHEREUPON, a bench conference was held, where the  
14 following transpire:

15

16 MR. BICKLEY: I object to the State's request for  
17 Paul to be a Court's witness. I think he is their  
18 witness. They put him on their witness list.

19 THE COURT: And they should not be allowed to use  
20 him? Now, if he turns out to be hostile, they can call  
21 him a hostile witness.

22 The first time there wasn't any sweat about it  
23 because he was still a possible subject of indictment.  
24 Did they ever charge him?

1 MS. LUSK: No.

2 THE COURT: I don't think you can truly lead him  
3 unless he starts to get a little reluctant or forgetful.  
4 Otherwise, examine him like he's yours.

5 MS. LUSK: That's fine.

6 Judge, I just wanted counsel for the defendant to  
7 know that yesterday, when we were going through all of  
8 those photographs, there was one photograph of Vanessa  
9 which was taken about a month before she died. I told  
10 him this morning that what I'd like to do is to show that  
11 photograph to Mr. Reggett and have him identify it and  
12 lay a foundation for what it depicts. I do not intend  
13 to show it to the jury at this time or move it into  
14 evidence, but I would like to have a foundation laid in  
15 case we want to use it later.

16 MR. BICKLEY: I can object at that time.

17 THE COURT: Sure.

18 MR. BICKLEY: Okay. If I can object at that  
19 time.

20 MS. LUSK: We're not going to read him his  
21 rights.

22 THE COURT: If you don't think it's necessary

23 ---

24 WHEREUPON, the bench conference was concluded.



1 (Back on the Record)

2

3 MS. LUSK: The State of West Virginia calls Paul  
4 Reggettzt.

5

6 WHEREUPON, Paul Reggettzt was duly sworn, upon his  
7 oath, and deposed as follows:

8

9 DIRECT EXAMINATION

10

11 BY MS. LUSK:

12

13 Q Would you state your name, please?

14 A Paul Reggettzt, III.

15 Q Are you employed?

16 A Part-time now; that's all, if you can  
17 call it that. I'm working for a place that just uses me  
18 whenever they need me.

19 Q How old are you?

20 A I'm 46.

21 Q Are you married?

22 A Yes, I am.

23 Q Was this your first wife?

24 A Second.

Reggettz - Direct

662

1 Q When was your first marriage?

2 A 1971.

3 Q What was your wife's name?

4 A Vanessa.

5 Q What's her middle name?

6 A It's Dale.

7 Q What's her maiden name?

8 A Terry.

9 Q Did you have any children by that  
10 marriage?

11 A Yes, ma'am, we had two.

12 Q What are their names?

13 A Paul Eric and Bernadette Lynn.

14 Q In 1979, how old were those children?

15 A Paul Eric was 7, and Bernadette was 4.

16 Q In 1979, were you employed?

17 A Yes, ma'am.

18 Q By whom?

19 A United Parcel Service.

20 Q What did you do?

21 A Washed trucks, spotted trailers, I  
22 parked trailers, packaged cars, washed trucks and fueled  
23 them.

24 Q Did you work a regular shift?

Reggett - Direct

663

1 A Yes, ma'am.

2 Q What shift was that?

3 A I worked from 2:30 in the morning until  
4 11:30, before noon that morning.

5 Q What time did you have to leave the  
6 house to get to work on time?

7 A I would leave a little bit before 2:00  
8 o'clock. I liked to get there early so I could drink  
9 coffee before I started work.

10 Q Where did you live at the time?

11 A I lived on Chesapeake Avenue, I believe  
12 it's called, down in St. Albans.

13 Q About how long did it take you to get  
14 to work?

15 A If I'd leave about ten til, I'd get up  
16 there probably fifteen, twenty after.

17 Q Where was the UPS property that you  
18 worked at?

19 A It was in Rand, West Virginia.

20 Q Now, in order to leave for work at a  
21 quarter until two in the morning, or ten til two, how did  
22 you sleep?

23 A Well, I didn't sleep good at night, so  
24 I had got in the habit of taking a nap in the afternoon.

Reggett - Direct

664

1 When, like I'd come in, I'd take a nap that afternoon,  
2 then get back up. Then I'd try to lay down and sleep a  
3 little bit at night too.

4 Q What time did you usually arrive home?

5 A Well, I got off at 11:30, so it was  
6 12:00, 12:30, depending on whether I stopped anywhere on  
7 the way home.

8 Q What time did you usually nap?

9 A Well, we had got into where we was  
10 watching soap operas and stuff, so it was probably 3:00,  
11 3:30 in the afternoon. Maybe I'd take a nap, or  
12 something like that. I'd lay down on the couch and take  
13 a nap.

14 Q How long would you sleep?

15 A A couple of hours. Not very long.  
16 That was usually the best hours I'd sleep, was what I got  
17 in the afternoon.

18 Q When did you usually sleep at night?

19 What time did you go to bed?

20 A I'd try to get in bed at 9:00 or 10:00,  
21 something like that. But I usually would lay awake for  
22 an hour, hour and a half. I didn't sleep good at night.  
23 Like I said, the nap was usually the best sleep I got  
24 during the week.

Reggett - Direct

665

1           Q           What time did you have to get up in  
2           order to go to work?

3           A           I got up around 1:00 o'clock so I could  
4           start getting dressed. And I'd talk to Vanessa and drink  
5           coffee with her, and smoke and stuff, before I'd leave.

6           Q           So, you slept a couple of hours in the  
7           afternoon, and maybe three or four in the night?

8           A           Whatever I could get, yeah. I didn't  
9           get much sleep. Like I say, my best rest was really in  
10          the afternoon. At night, I didn't sleep that good. I  
11          couldn't hardly get back to sleep at night.

12          Q           Did your children have a regular bed  
13          time?

14          A           I don't remember what time she would  
15          put them to bed. I know Paul Eric was going to school  
16          and she would always try to get him to bed at a decent  
17          hour, because she was really the kind of mother that made  
18          sure that Paul Eric would be able to go to school, and  
19          everything.

20          Q           Do you recall if their bed time was as  
21          early as 7:30 or as late as 9:00 or 9:30?

22          A           I don't remember, but I doubt very  
23          seriously if it was later than 9:00 o'clock at night  
24          during school nights.

Reggett - Direct

666

1           Q           Your job at UPS, Mr. Reggett --  
2           approximately how much money did you make when you were  
3           there?

4           A           The last year I worked, I think I drew  
5           somewhere in the neighborhood of about thirteen thousand  
6           dollars, somewhere around that. I don't remember  
7           exactly. I know it was the best year I'd ever worked,  
8           because each year in contracts and things, we'd get a  
9           cost of living raise, and you know, hourly raises.

10          It got up to where I was making eight dollars and  
11          something an hour.

12          Q           Did you own a car at the time?

13          A           Yes, ma'am. A Honda.

14          Q           Was that the car you used to drive to  
15          work?

16          A           Yes, ma'am.

17          Q           Did you owe money on it?

18          A           Yes, ma'am. Yes, I did. But I got it  
19          paid off. I don't remember exactly when I got it paid  
20          off, but I do remember the woman telling me it was time  
21          to buy another one when I got that one paid off.

22          Q           The house you lived in was in St.  
23          Albans on Chesapeake Avenue -- did you own that house?

24          A           No, ma'am.

Reggettz - Direct

667

1 Q Who owned it?

2 A People named Fortsons, lived next door.

3 Q Prior to living in that house, where  
4 did you live?

5 A In a motel, Gene's Motel.

6 Q How long did you live there?

7 A I don't know. Quite a while. We had  
8 moved out of a place we used to live in. I don't  
9 remember -- it might have been Lee Street, I don't  
10 remember the address, but we moved down in the motel to  
11 get out of the other place. The guy kept raising the  
12 rent and stuff on us, and I just wasn't happy there.

13 So, the best we could do -- we didn't have the  
14 money to move into anything else. So, the best we could  
15 do at the time -- Mr. Moss let us move into the motel and  
16 we stayed down there for a while.

17 Q You don't mean Gene Moss?

18 A Yeah, Gene and Leona Moss.

19 Q On the date of December the 12th, 1979,  
20 Mr. Reggettz, did you work?

21 A Yes, ma'am.

22 Q Did you go to work at the regular time?

23 A Yes, ma'am.

24 Q Do you recall coming home that day?

Reggett - Direct

668

1           A           You mean the 12th?

2           Q           Un-huh.

3           A           It was just routine. The only thing I  
4       remember about that particular day is we went to the  
5       laundry mat. I was with Bernadette. I remember that.  
6       My life during the week was just a routine. I didn't put  
7       a lot stuff in, it was just routine.

8           I do remember going to the laundry mat and me  
9       going to the K-Mart with Bernadette. That's the main  
10      thing that sticks out on that day.

11          Q           Did Vanessa go to the laundry mat?

12          A           Yes, ma'am.

13          Q           Was Paul Eric in school?

14          A           Yeah. The only one I remember being  
15      with that day is Bernadette at K-Mart. So, evidently,  
16      Paul Eric was in school.

17          Q           Do you remember whether you got your  
18      afternoon nap that day?

19          A           I don't remember. I doubt it because  
20      of the laundry mat.

21          Q           Do you remember eating dinner?

22          A           Just vaguely. I remember the kids  
23      eating more than I remember myself eating.

24          Q           What did they eat?



Reggettz - Direct

669

1           A           The best I remember, they ate -- we had  
2           a glass bar over here on the wall. I can remember them  
3           sitting there and eating; that's what I remember.

4           Q           What room was that bar in?

5           A           It's what we call the TV room.

6           Q           Do you remember what you ate for  
7           dinner?

8           A           The only one thing I remember is fish  
9           sticks; that's about it. There was more than that, but  
10          I don't know what it was.

11          Q           Did the children, in fact, eat their  
12          dinner?

13          A           I vaguely remember them eating. I  
14          never really paid any attention. I don't remember. I  
15          obviously don't know. I just remember ---

16          Q           Did they have an argument about dinner?

17          A           I don't remember any argument about  
18          dinner.

19          Q           Do you remember whether the children  
20          went to bed?

21          A           Well, what I remember the most about  
22          that was Paul Eric was skipping or something across the  
23          room and Vanessa said, "Now, that's enough of that." And  
24          I believe she told him to get back in bed. That's about

Reggett - Direct

670

1 all I remember about that night.

2 Q Do you have any idea what time that  
3 was?

4 A I have no idea. It was just after  
5 dinner time, some time. Around 7:30 maybe, that night.

6 Q Did you read the newspaper that  
7 evening?

8 A I don't remember. The only thing I  
9 remember about that night was we were supposed to go to  
10 K-Mart the next day.

11 Q You made plans to go to K-Mart?

12 A Yes.

13 Q What was your plan?

14 A Well, I had -- we saw a watch in a K-  
15 Mart ad, and I think it was an eight dollar watch. I  
16 remember I wanted that watch, and I was trying to play  
17 like I didn't really want it and Vanessa said, "Well, if  
18 you don't get it, then I'll get it for you," which is  
19 really what I wanted. But I was pretending like I didn't  
20 want it anyway.

21 We made plans to go down the next day and get  
22 that watch.

23 Q Let me hand you what's been marked as  
24 State's Exhibit 84, and ask you if that's the K-Mart ad

Reggett - Direct

671

1 there on the couch in the TV room?

2 A Yes, ma'am, it is.

3 Q Now, what was your plan with regard to  
4 going to K-Mart the next day?

5 A I told Vanessa to have Bernadette ready  
6 when I got off work and I would pick her up and we would  
7 go down to K-Mart.

8 Q Where were you going to pick her up?

9 A She was supposed to meet me out on  
10 Route 60.

11 Q Up by the A&W?

12 A Well, across the street from where you  
13 drove down to my house.

14 Q Across Route 60?

15 A Yeah, across Route 60. I told them to  
16 be on the side of the road I'd be coming down on.

17 Q Did you do a lot of shopping at K-Mart?

18 A Quite a bit.

19 Q Anywhere else?

20 A Heck's. Usually, it was either Heck's  
21 or K-Mart.

22 Q Was there a particular Heck's or K-Mart  
23 that you frequented?

24 A Our favorite K-Mart was the one in St.

Reggett - Direct

672

1 Albans. Our favorite Heck's was the one that used to be  
2 -- I don't know what -- it's not really in St. Albans,  
3 I think it's a clothing place now. I don't know what the  
4 name of it is.

5 Q Was that K-Mart and that Heck's the  
6 only K-Mart and Heck's you shopped at?

7 A Oh, no, no, no. We used to go -- we  
8 went to Heck's in Huntington. We used to go to the K-  
9 Mart at Patrick Street. I don't know if we ever went to  
10 the one in Kanawha City or not, but the main one was the  
11 one in St. Albans. That was our favorite.

12 Q Did you go to bed on the night of  
13 December 12, 1979?

14 A Yes, ma'am.

15 Q Where was Vanessa?

16 A To the best of my memory, she was in  
17 the TV room. I don't remember. I just remember, you  
18 know, that ---

19 Q Was she in bed?

20 A No, no. She didn't go to bed while I  
21 did.

22 Q When did she go to bed?

23 A Well, she would stay up until I got up.  
24 Once she got me off to work, then she would go to bed.

Reggett - Direct

673

1 Q What time did you get up?

2 A That night -- something til one, or  
3 around one, I don't remember exactly. My usual time, she  
4 hollered at me. I remember her hollering.

5 When I say holler, it wasn't a shout or anything.  
6 She'd just say, "Paul, it's time to get up." And I would  
7 get up.

8 Q Did you ever on work nights -- did you  
9 ever wait for the alarm clock?

10 A No.

11 Q Vanessa got you up?

12 A Yeah, every night.

13 Q What did you do after you got up?

14 A I would change clothes, put my work  
15 clothes on. Like, at night, I have to wear long johns  
16 and stuff because it was cold. I'd get dressed, then  
17 usually, I would go in and sit with Vanessa and smoke and  
18 drink coffee and talk to her. We'd watch TV before I'd  
19 leave.

20 Q Did you watch TV that night?

21 A Yes, ma'am.

22 Q What did you watch?

23 A One show in particular I remember, was  
24 a segment of a show called Baretta, about a detective

Reggett - Direct

674

1 that used to have a parrot and carried the parrot around  
2 with him.

3 Q Do you remember the story line?

4 A The main thing I remember about the  
5 story was, there was a man loose in this city, wherever  
6 it was at, that had some kind of a rare germ or something  
7 like that, and they were trying to catch him, to keep him  
8 from spreading this germ to the population. That's what  
9 I remember about the story that night.

10 Q During the time you were watching TV in  
11 the TV room, did you drink coffee?

12 A Yes, ma'am.

13 Q Did Vanessa drink coffee?

14 A Yes, ma'am.

15 Q I think you said earlier that you  
16 smoked?

17 A Yeah.

18 Q What did you smoke?

19 A A pipe.

20 Q What did you eat at UPS generally --  
21 take-out food or did you buy food there?

22 A Occasionally, I would go out, but most  
23 of the time Vanessa would pack my lunch.

24 Q Did you pack your lunch that night?

Reggett - Direct

675

1                   A               Yeah. She would fix -- I had a coffee  
2               jug and she would get ready sandwiches or whatever I took  
3               in my lunch.

4                   Q               You took a thermos full of coffee?

5                   A               Un-huh.

6                   Q               Did you take a thermos-full of coffee  
7               that night?

8                   A               Yeah.

9                   Q               Who made that coffee?

10                  A               She did.

11                  Q               What time did you leave for work?

12                  A               It was something til two.

13                  Q               Do you remember leaving the house?

14                  A               I remember walking through the house  
15               and opening the door -- I can't remember if I opened the  
16               door or she opened the door, but it was raining out  
17               there. I do remember it raining.

18                         She said, "Aw, you're going to get soaked  
19               tonight." And I said, "It's all right. After a while  
20               you get used to it." She said, "You're going to get  
21               soaked tonight." And I said, "You get used to it."  
22               That's the very last thing I said to her.

23                         All I remember is being in the car and looking  
24               back at the house and seeing the door close. I didn't

Reggett - Direct

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1 see her but I saw the door.

2 Q Is that the last time you saw your wife  
3 alive?

4 A Yes, ma'am.

5 Q When you left to go to work that  
6 morning, what was the condition of your children?

7 A They were asleep.

8 Q Now, you drove to work?

9 A Yes, ma'am.

10 Q When you went to work, Mr. Reggett,  
11 how did they know that -- how much to pay you for? Did  
12 you keep a time card?

13 A Yes, ma'am.

14 Q Let me hand you what has been marked as  
15 State's Exhibit No. 98, and ask you if you recognize  
16 that?

17 A Yes, ma'am, I do.

18 Q Does that reflect that you clocked in  
19 at UPS on December the 13th of 1979?

20 A Yes, ma'am.

21 Q What time does it say that you clocked  
22 in?

23 A It's two-thirty.

24 Q Now what does two-thirty mean on this



Reggett - Direct

677

1 time card?

2 A That's what -- well, two-twenty-five,  
3 I think, is fifteen after; so, it's sixteen or seventeen  
4 after two.

5 Q Was this clock on one-hundredths of an  
6 hour or by the minute?

7 A Well, the way I had to clock on the  
8 thing was by looking at the clock. I couldn't go by  
9 these numbers at all. That was usually the only way I  
10 could tell. Like two-twenty-five, I knew, was fifteen  
11 after. I don't know what you call it -- if you call it  
12 hundredths -- but I couldn't tell. I couldn't read the  
13 clock.

14 Q Would two-fifty on the clock be really  
15 two-thirty?

16 A Yeah. That's what it would have been.

17 Q What time does that say?

18 A Two-thirty.

19 Q So, that would was some time after two-  
20 fifteen?

21 A That was after two-fifteen.

22 Q But before two-thirty?

23 A Yeah.

24 Q Does it reflect whether you took a

Reggettz - Direct

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1 lunch break that day?

2 A Yeah. Yes, ma'am.

3 Q What time was that?

4 A Seven-eighty-eight.

5 Q What does that mean?

6 A Something til eight.

7 Q Just a few minutes til eight?

8 A Yeah.

9 Q Seven-seventy-five would be ---

10 A Fifteen til.

11 Q Fifteen til eight?

12 A Yeah.

13 Q This was seven-eighty-eight?

14 A Yes, ma'am.

15 Q Did you have to clock back in after

16 your lunch break?

17 A Yes, ma'am.

18 Q Did it reflect that?

19 A Yes.

20 Q What time was that?

21 A Seven-eighty-five.

22 Q What does that translate to?

23 A Again, that's something til eight --

24 or, no ---

Reggettz - Direct

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1 Q Something til nine?

2 A Something til nine, yeah. Yeah, it's  
3 from something til eight until something til nine, yeah.  
4 Eight-eighty-five would be -- oh, maybe ten til nine, or  
5 something like that.

6 Q During the lunch break, did you leave  
7 the premises?

8 A No, ma'am.

9 Q Did you clock out that day?

10 A Yes, ma'am.

11 Q What time was that?

12 A It was eleven-fifty-two. I know what  
13 that is, it's eleven-thirty-one by a regular clock --  
14 that fifty-two is.

15 Q So, you clocked out that morning at  
16 eleven-thirty-one?

17 A In the morning, yeah.

18 Q That's the time your shift generally  
19 ended?

20 A Yes, ma'am.

21 Q At eleven-thirty a.m. Do you remember  
22 anything unusual occurring at work that evening or that  
23 morning?

24 A Yeah. A diesel hose busted, was one

Reggettz - Direct

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1 thing I remember in particular. I had to fuel --  
2 occasionally I had to fuel gasoline trucks, but most of  
3 them were diesel. They were diesel tractors, and I had  
4 to, you know, fill them and check the oil on them and  
5 wash them.

6 That night, one of the hoses got a knot in it and  
7 busted. It soaked my gloves with diesel fuel and  
8 splashed it down the front of me. And I tried to get the  
9 mechanic to fix it, but he didn't have time or something.  
10 I think I took a knife or something and cut the hose off.  
11 What I was having to do from there on until I left that  
12 morning was to stick the hose in, turn it on, then go  
13 back and shut it off. That's the way I had to fuel.  
14 Each side, I was having to do that.

15 Q Did you change your clothes?

16 A I think I changed my outer clothes, but  
17 I didn't change -- I still had my long johns on. I  
18 didn't change those. I remember throwing some clothes  
19 down there in the pile, but I had changed. I had some  
20 more clean uniforms there.

21 Q What was the work like at UPS at that  
22 time of year?

23 A Very hectic.

24 Q Was it a busy season?

Reggett - Direct

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1 A Yes. It was our busiest.

2 Q Right before Christmas?

3 A Yes, ma'am.

4 Q What did you do before you got off work  
5 at 11:30?

6 A I started home, and on the way at home,  
7 I stopped at -- I don't know what they called the  
8 stations then, but now it's SuperAmerica. I stopped and  
9 filled the tank up on my car, and talked to a friend of  
10 mine, a fellow that I knew who was working there at the  
11 time.

12 Q What is his name?

13 A Mike Adams. I stopped and talked to  
14 him a few minutes, then went on down the road.

15 Q Did you find Vanessa and Bernadette  
16 waiting for you across Route 60?

17 A No, ma'am.

18 Q What did you do?

19 A Well, I -- it was just sprinkling that  
20 morning, and I thought that was why they weren't there  
21 is because of the rain. So, I had been on the outside  
22 lane as I was going down the road. And when I saw that  
23 they weren't there, I wanted to turn to the inside lane.  
24 I turned to go down the street where my house is,

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1 down to where my house was.

2 Q What did you do then?

3 A I pulled up. The road was straight  
4 toward the house. Then I made a left, and turned this  
5 way (Indicating), which went in front of Fortson's house,  
6 and then their driveway. I just pulled up there and got  
7 out of the car.

8 Q Did you park in their driveway?

9 A It was close to their driveway. It  
10 wasn't in front of his exactly. They could have got by.  
11 I was blocking their driveway because I was only going  
12 to be there a minute. Just long enough to get Vanessa.

13 Q Where did you generally park?

14 A Down in front of their house, there is  
15 a little dirt road there, down where I turned in, there  
16 is a little offset, just a little offset.

17 Q A pull-off area?

18 A Yeah. And I drove in there somewhere  
19 where I wouldn't block their driveway, in case somebody  
20 else came in there and wanted to park.

21 Q So, this morning, you got out with the  
22 car blocked in their driveway?

23 A Yeah. They couldn't have got in there  
24 where I was sitting at.

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1 Q Did you turn the car off?

2 A No, ma'am, I left it running.

3 Q Why was that?

4 A Because I just planned on running in  
5 the house and getting Vanessa and going on to K-Mart.

6 Q What did you do?

7 A I don't remember what all I had. I had  
8 a thermos bottle. I had my arms full of something, I do  
9 remember that. But I went up to the front door, because  
10 I had my hands and arms wrapped around whatever I was  
11 carrying. Instead of knocking, I kicked it with my foot.  
12 I tapped the door with my foot.

13 Q The front door?

14 A Yes, ma'am.

15 Q Did anyone answer?

16 A No.

17 Q What did you do?

18 A I tapped on the door three different  
19 times and nobody answered, so I went -- jumped off the  
20 porch and went around to go to the -- in the back door.

21 Q What did you do at the back door?

22 A I did the same thing. I pushed with my  
23 foot.

24 Q Did it come open easily?

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1 A Yes, ma'am. It just swung open.

2 Q Then, what did you do?

3 A I looked down at the floor and there  
4 was a white sheet, like a sheet, laying on the floor with  
5 three or four spoons laying on it.

6 Q Who took that sheet down?

7 A I don't know.

8 Q You don't know where it came from?

9 A Well, I knew that during that season,  
10 we were shutting off some of the rooms to save heat and  
11 stuff, and I assumed it was one of the ones that she'd  
12 had put up at the doorway, or something. I don't know  
13 for sure that's where it came from. I just remember  
14 seeing a sheet laying there with spoons laying on it.

15 Q What was the next thing you saw?

16 A My wife's legs.

17 Q Where were they?

18 A When you come through the back door  
19 from the kitchen, if you raised up, you looked into the  
20 TV room, and my wife's legs were laying in view of the  
21 doorway of the TV room.

22 Q What did you notice about her legs?

23 A How white they were.

24 Q Then what did you do?



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1           A           I ran in to where she was at and  
2           stooped over her and looked at her. I remember picking  
3           her arm up -- getting hold of her arm. And I let go of  
4           her arm and her arm just fell back.

5           Q           Did you notice any cords?

6           A           No, ma'am.

7           Q           Did you realize that she was dead at  
8           that time?

9           A           I think I realized, yeah, that she was  
10          dead.

11          Q           Did there come a later time when you  
12          noticed the cords?

13          A           Yes, ma'am.

14          Q           When was that?

15          A           When I came back to the house from the  
16          A&W.

17          Q           What about the scissors?

18          A           I didn't notice that the first time.  
19          I don't remember seeing them at all until the next time  
20          I was back in the house.

21          Q           When you came back in the house, did  
22          you try to get her moved?

23          A           I tried. I couldn't do it. I tried,  
24          yes.

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1                   Q           After you touched your wife, what did  
2                   you do?

3                   A           The first thing that came into my mind  
4                   was I need to get some help. So, I jumped up and turned  
5                   around from where I was at and where she was at and run  
6                   into the front door.

7                   Q           What happened?

8                   A           Well, I was in the process of opening  
9                   the front door when out of the corner of my eye, I saw  
10                  my little girl hanging on the door facing.

11                  Q           What did you do?

12                  A           I reached and got my arm around my  
13                  little girl and raised her right up off the cords that  
14                  was wrapped around her. I pulled the cords down off the  
15                  door and laid her down.

16                  Q           Do you know how the cord was wrapped  
17                  around the door?

18                  A           I just remember it being looped around  
19                  the door two or three times over the corner of the door,  
20                  and the door had been pulled to, to where it would hold  
21                  the cords, hold her on the door.

22                  Q           And the cord was around her neck?

23                  A           Yeah, yeah.

24                  Q           What did you do when you took her down?

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1                   A            I laid her on the floor.

2                   Q            Then, what did you do?

3                   A            I went to the door -- back to the door  
4                   and went out to the A&W.

5                   Q            How did you get there?

6                   A            I ran.

7                   Q            What did you do when you arrived?

8                   A            Well, I walked into the A&W and I just  
9                   stood there -- I couldn't say anything. I just stood  
10                  there in front of those people and couldn't say a word.  
11                  I just stood there. I don't know what those people  
12                  thought. I just couldn't say anything.

13                  Q            Then, what?

14                  A            Well, it came into my mind that I was  
15                  wasting a lot of time standing there. I need to do  
16                  something.

17                  So, at that time, there was a County Sheriff's  
18                  Office up the road there and I thought about going up  
19                  there. I started back out the door to do that. About  
20                  the time I got out of the door, it came into my mind that  
21                  I was, you know, just wasting time. Something had to be  
22                  done now. So, I went back in, threw a dollar down on the  
23                  counter there, and told the man to call the Police, that  
24                  somebody had murdered my wife.

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1 Q Then, what?

2 A I went back to the house.

3 Q Did you tell them your address?

4 A I don't remember telling them anything.

5 Just to call the Police, was all I remember.

6 Q You ran back up to your house?

7 A Yes, ma'am.

8 Q Which door did you go in?

9 A The front door, back up the steps and  
10 in the front door.

11 Q Then, what did you do?

12 A I picked Bernadette up off the floor  
13 and laid her on the bed.

14 Q Why?

15 A I couldn't stand the thought of her  
16 laying on the floor.

17 Q Then what?

18 A I looked back at my wife and I think  
19 that's when I first saw the scissors. I'm not sure, but  
20 I remember seeing the scissors. And I went back to her  
21 -- and the cord -- it looked like somebody had tried to  
22 hang her on the door. It just didn't make sense, because  
23 where the door knob was and the way she was laying, I  
24 couldn't understand why -- why there was cords around her

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1 neck and through the hole in the door. I couldn't  
2 understand that.

3 I tried to pull the cord back through the door.

4 Q Through the hole?

5 A Yeah, through the hole where the door  
6 knob had been, and there was the end of the cord where  
7 you plug stuff in. I couldn't get it back through the  
8 door.

9 Q Was it an extension cord?

10 A Yes, ma'am.

11 Q Then, what did you do?

12 A I have to back up a minute. I just  
13 remembered -- no, that wasn't -- I have to back up on  
14 that one.

15 When I first came back in the house, I'm sorry  
16 -- when I first came back in the house, it came into my  
17 mind that there might still be somebody in the house, and  
18 that's when I went back through the house to look and see  
19 if there was anybody still in the house, and that's when  
20 I found my son.

21 I found my son laying face down in the bath tub.

22 Q Do you remember if there was water in  
23 the bath tub?

24 A No, I don't remember any water at all

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1 in the bath tub.

2 Q Do you remember whether he was wet?

3 A No, ma'am, I don't remember him being  
4 wet.

5 Q Do you remember whether he was cold?

6 A No, ma'am.

7 Q Do you remember feeling any sensation  
8 at all when you picked your son up?

9 A No. I remember that he was stiff-like,  
10 like he was tense. That's all I remember about that.

11 Q What did you do with your son, Mr.  
12 Reggettz?

13 A I turned around and went back into the  
14 room where my wife was laying, and I laid him on the bed.

15 Q Was he tied up?

16 A Yes, ma'am.

17 Q How was he tied?

18 A There was a cord wrapped around his  
19 wrists. His wrists were crossed in the back and bound  
20 in back like this (Indicating), and the cords were  
21 wrapped around his wrists. Somehow they came down. I  
22 saw the cord come down like this and then crossed and was  
23 wrapped around his wrists.

24 Q When you saw the cord come down like

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1 this (Indicating), you mean it came down his back?

2 A Yes, ma'am.

3 Q And crossed?

4 A Yes, ma'am.

5 Q Above his hands?

6 A Yes, ma'am, above his hands.

7 Q What did you do with the cords?

8 A I tried to untie it.

9 Q Were you able to do that?

10 A No, ma'am.

11 Q Why?

12 A It was tied too tight. I couldn't get  
13 it loose. I never saw a cord tied like that before --  
14 it's like they tried to cut his wrists off. That's how  
15 tight the cord was tied.

16 Q What did you do after you put him on  
17 the bed?

18 A I went back to my wife. And that was  
19 the time when I tried to get her loose, to get the cord  
20 loose.

21 And after I gave up on that effort, I turned  
22 around and looked at my boy, and I don't remember how I  
23 laid the boy on the bed, but I turned back to look at him  
24 and his eyes were just barely opened. And I thought,

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1 well, maybe he was still alive.

2 And I don't know CPR or any of that kind of  
3 stuff, but I turned my boy over and tried to push on his  
4 back, which I'm sure was a very futile effort at that  
5 time. It was all I knew to do at the time. And I tried,  
6 but nothing happened.

7 Q How many times would you say that you  
8 pushed on his back?

9 A Three or four times.

10 Q Did you realize that he was dead, Mr.  
11 Reggettz?

12 A Yeah. I knew that what I was doing was  
13 useless.

14 Q When you left for work that morning,  
15 were the dresser drawers in your house pulled out?

16 A I don't remember them being pulled out,  
17 no. The dishes -- I don't think the dishes had been done  
18 up in the kitchen, but other than that, I don't remember  
19 the house being messed up at all. Just other than, like  
20 I said, my bed. My bed wasn't messed up that bad -- it's  
21 just where I got out of it and laid my clothes -- I  
22 usually slept in a pair of jeans, because it was cold in  
23 that room. I'd lay my jeans over the chair. My room  
24 would have been as junked up as any in the house just



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1 from where I'd got up out of bed.

2 Q Were your bed linens on the floor?

3 A No, ma'am.

4 Q Was there blood on the floor?

5 A No, ma'am.

6 Q Had the trunk in your room been  
7 emptied?

8 A No, ma'am.

9 Q Was there blood on the bed?

10 A No, ma'am.

11 Q Was there a broken knife on the floor?

12 A No, ma'am.

13 Q Was there blood on the kitchen sink?

14 A No, ma'am.

15 Q Was there a sheet in the kitchen floor?

16 A No, ma'am.

17 Q Had your Christmas presents been  
18 opened?

19 A No, ma'am.

20 Q After you tried to untie your wife,  
21 what did you do after you tried to arouse Paul Eric?

22 A I went out the back of the house, down  
23 to the road.

24 Q Then, what happened?

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1           A           About the time I got to the end of the  
2           road, I saw who I come to know as Terry Williams, turning  
3           in, and I turned and ran back to the house again.

4           Q           At some point, had you turned the car  
5           off?

6           A           Oh, yes, ma'am.

7           Q           Do you remember when that was?

8           A           No, I don't.

9           Q           Did you talk to Terry Williams up at  
10          the intersection?

11          A           No. The only thing I remember Terry  
12          Williams saying to me was, don't go back in the house.  
13          Stay out of the house, or something to that effect.

14                 That's the only thing I remember him saying to me  
15          at all, and that was up in the yard.

16          Q           When you were at the A&W, at the  
17          intersection of Route 60, did you have a conversation  
18          with anyone who was still in a cruiser?

19          A           No. I don't remember talking to him up  
20          there.

21          Q           After you saw Trooper Williams up there  
22          at the A&W, how did he get to your house?

23          A           Well, I don't remember seeing him at  
24          the A&W. I was just at the end of the street and I saw

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1 him turn -- turning in, and I just waved like that and  
2 ran back to the house.

3 Q So, you ran back to the house and he  
4 drove in his car?

5 A Yeah.

6 Q What happened when you got to the  
7 house?

8 A He came up through the yard and told me  
9 not to go back into the house.

10 Q Do you remember going back in the house  
11 with him at all?

12 A No.

13 Q Do you remember all of the details of  
14 what you did and saw at the house?

15 A No.

16 Q Why is that?

17 A I don't know.

18 Q Did the Police begin to arrive at your  
19 house?

20 A Yes, ma'am. The next man I remember  
21 seeing was a fellow that came to be known to me as  
22 Woodyard.

23 Q Of the West Virginia State Police?

24 A Yes.

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1 Q Did there come a time when you come to  
2 be at their headquarters at South Charleston?

3 A Yes, ma'am.

4 Q Who did you go with, if you recall?

5 A Woodyard. He asked me would I mind  
6 going up to Company B to help them, and I said, "No, I  
7 don't mind at all."

8 Q How did you get to Company B?

9 A He took me in his patrol car.

10 Q What was his attitude?

11 A Just real nice, under the situation, he  
12 was real respectful of me; as nice as could be.

13 Q Did you go to Company B?

14 A Yes, ma'am.

15 Q Did you tell them what had happened in  
16 your house? What you'd found?

17 A Yeah.

18 Q Did there come a time when Woodyard  
19 advised you of your rights?

20 A The only thing I remember is I signed  
21 some papers. He give me some papers during the period  
22 and I don't even know what all -- what it was.

23 He said he'd like to look at my car and look at  
24 my house, and what else I signed, I don't know.

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1 Oh, and I think there was one about -- I'm not  
2 sure, but I think there was one about questioning me, if  
3 I would sign a paper willing to talk with him, or  
4 something to that effect.

5 Q And did you talk to them?

6 A Yes.

7 Q Did there come a time when you felt  
8 their attitude changed?

9 A Oh, yes, ma'am.

10 Q Do you have any idea how long you had  
11 been at the detachment when that occurred?

12 A It was late that night that they had  
13 been real nice to me. They had given me coffee and  
14 cigarettes, and late that night, they started acting just  
15 the opposite of what they'd been acting up until that  
16 time.

17 Q What did they start doing?

18 A Well, I don't know if it was Woodyard,  
19 but one of them said, "Your wife was dead before 12:00  
20 o'clock," or something like that. They told me a set  
21 time and said that the man who does autopsies or whatever  
22 it is said that the time that was set for your wife's  
23 death was before 12:00 o'clock, or something to that  
24 effect -- just something about her being dead before

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1 12:00 o'clock.

2 I said, "Man, that's impossible, it's impossible.  
3 I left there at something until two in the morning. I  
4 got up at 1:00 o'clock, and left at something til two,  
5 and there was nothing wrong with her. That's  
6 impossible."

7 And they just, like I said, their attitude toward  
8 me entirely changed then. And then they started -- as  
9 time went on, they started insinuating that -- like I'm  
10 saying, that floored me.

11 The first thing that floored me was them saying  
12 that she was dead, trying to say that she was dead before  
13 I ever left the house. And I told them that was  
14 impossible. There's no way that could have been. And  
15 then they started insinuating that I had done it. And  
16 I just, man, I could not believe this. I said, "Hey,  
17 you're wrong, buddy. I didn't have anything to do with  
18 this. I don't understand this. I don't understand why  
19 you're saying this to me now. I didn't do this."

20 And that, like I say -- once the attitude  
21 changed, it never got any better.

22 Q Did you talk to different troopers up  
23 at the detachment?

24 A Yeah, yes, ma'am.

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1 Q Who did you talk to first?

2 A Woodyard.

3 Q Did there come a time when the Police  
4 took your clothing?

5 A Yes, ma'am.

6 Q What articles of your clothing did they  
7 take?

8 A They took my boots. I can't remember  
9 if they got my socks. They got my pants. They took my  
10 long johns. About all I remember the next morning having  
11 on was a T-shirt. I'm not sure about my underwear and  
12 a pair of blue jeans.

13 Q Where had the blue jeans come from?

14 A Out of the back of my car.

15 Q Do you remember talking to Trooper  
16 Smith?

17 A Yes, ma'am.

18 Q Do you remember what time of the day it  
19 was?

20 A It seemed to me like it was in the  
21 afternoon of that day.

22 Q Did he ask you any questions?

23 A I wouldn't call it asking questions.  
24 He fired the questions at me. It was more what I would

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1 call firing questions than asking questions.

2 Q You thought he was accusing you?

3 MR. HUFFMAN: Your Honor, I'm going to object.  
4 I think we're getting to the point where we're getting  
5 into some leading questions -- leading a hostile witness.

6 THE COURT: I'll sustain the objection.

7

8 BY MS. LUSK:

9

10 Q What kind of attitude did Trooper Smith  
11 have?

12 A Very nasty.

13 Q How long was he with you?

14 A I just remember sitting in a chair next  
15 to Woodyard and talking to him, and the guy -- of course,  
16 it didn't know it was Smith until later -- was firing  
17 questions at me. And before I could answer the question,  
18 one would ask me something else. And I went through a  
19 period of that. I don't know how long it was before I  
20 could get one of the questions answered, before one would  
21 ask me something else.

22 Q And then -- I'm sorry.

23 A I was just going to say, before I could  
24 get finished with one thing, they'd say that wasn't what



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1 you said a minute ago, or that wasn't what you said  
2 earlier.

3 Q Did Dr. Sopher talk with you?

4 A Yes, ma'am.

5 Q What was his attitude?

6 A He was hostile, as I recall. He didn't  
7 act -- he was hostile. He didn't act very nice to me at  
8 all. He looked at my pants and legs. He rolled up my  
9 pants and looked at my legs.

10 Q Did he look at any other parts of your  
11 body?

12 A Yes, ma'am. He looked at my hands and  
13 my wrists.

14 Q Did you have any injuries on your hands  
15 or wrists or legs?

16 A No, ma'am.

17 Q How long were you at the State Police  
18 Detachment?

19 A For some time in the afternoon, until  
20 10:00 or 11:00 o'clock the next morning. In other words,  
21 the morning I found them, they took me up there that  
22 afternoon. I was up there all that evening, all that  
23 night, until the next morning.

24 Q When was the last time that you had

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1       slept?

2               A               The early morning of the 13th.

3               Q               Did there come a time when you  
4       confessed to killing your family?

5               A               Yes, ma'am.

6               Q               Why?

7               A               I was afraid of those people -- the  
8       State Police.

9               Q               Was there anything in particular that  
10      made you afraid?

11              A               Oh, yes. Several things.

12              Q               What happened immediately prior to your  
13      confession?

14              A               I was sitting -- I had spent a long  
15      time in this chair there, talking to Trooper Woodyard and  
16      two men came down to the bottom of the stairs and came  
17      through the doorway and they told Mr. Woodyard, "Let us  
18      have him. We'll take care of him," or something to that  
19      effect. I just remember them saying, "Let us have him.  
20      We'll take care of him."

21              Q               What did you do?

22              A               Well, nothing happened right then.  
23      Woodyard must have said something to them, and they left.

24              Q               Was either one of those two people

Reggettz - Direct

703

1 Smith?

2 A No.

3 Q Go ahead.

4 A And Mr. Woodyard said, you've got five  
5 minutes to confess to this, or I'm going to let those men  
6 have you.

7 Q What did you do?

8 A I said, "Man, I don't want to do this."

9 Q Do what?

10 A Tell him I'd killed my family when I  
11 knew I hadn't.

12 Q Did you remember what you told them?

13 A No, ma'am. I just -- I finally did  
14 say, "All right. All right, I'll ---." He said, "I'm  
15 going to give you five minutes," and I don't know if this  
16 was during that time, but he said, "I'm going to get up  
17 and I'm going to walk out that door, and I'm going to let  
18 those men have you." And I said -- uh, uh -- I don't  
19 know what I said.

20 I just -- I just didn't know what to do. I  
21 actually did not know what to do, and uh, some time after  
22 five minutes, I said, "Just don't let those people hurt  
23 me. I'll do whatever you want."

24 Q What did you do?

Reggettz - Direct

704

1 A I confessed to killing my family.

2 Q Was it true?

3 A No, ma'am, it was not.

4 Q Did you tell them that your kids had  
5 been acting up right after supper, wrestling right after  
6 supper?

7 A Yes, ma'am.

8 Q Was that true?

9 A No. Other than what I said about him  
10 skipping across the floor, that was the only thing that  
11 he actually did, if you call that acting up.

12 MR. BICKLEY: Your Honor, she's leading.

13 THE COURT: Let's see. Go ahead.

14

15 BY MS. LUSK:

16

17 Q Did you tell them you became annoyed  
18 with your family and children and your wife?

19 MR. BICKLEY: Your Honor, she's leading.

20 THE COURT: Won't you step up here just a second.

21

22 WHEREUPON, a bench conference was held, where the  
23 following transpired:

24

Reggettz - Direct

705

1 THE COURT: These questions are verbatim from his  
2 statement; are they not?

3 MR. BICKLEY: Yes, sir, but she can ask a  
4 question like, "What did you tell him?"

5 He hadn't said he didn't remember.

6 THE COURT: Yeah.

7 MS. LUSK: He said he couldn't remember exactly  
8 what he told them, Judge.

9 THE COURT: I'm going to allow it, so long as the  
10 questions are specifically confined to the statement.  
11 I think that's a legitimate examination. I don't think  
12 it's illegal.

13 MS. LUSK: Thank you, Judge.

14

15 WHEREUPON, the bench conference was concluded.

16

17 (Back on the Record)

18

19 BY MS. LUSK:

20

21 Q Did you tell the Police at that time  
22 that your kids had been romping around and that you  
23 became annoyed?

24 A Yes, ma'am.

Reggett - Direct

706

1 Q Was that true?

2 A Other than just what I told you about  
3 him skipping across the room, that's the only acting up  
4 that I remember.

5 Bernadette was running with him. If you call  
6 that acting up. Vanessa told them to quit and go to bed  
7 and that was the end of it.

8 Q Did you tell them that you began to  
9 argue with your wife about making the children mind?

10 A Yes, ma'am.

11 Q And that your wife began spanking the  
12 children?

13 A I don't remember telling them that.

14 Q Did your wife spank the children too  
15 rough?

16 A No, ma'am, she did not.

17 Q Did she spank the children at all?

18 A No.

19 Q Did you tell them that your argument  
20 with your wife became worse?

21 A Oh, yes. That's what I told them.

22 Q Had you argued with your wife?

23 A No, I hadn't.

24 Q Did you tell them that your wife said

Reggett - Direct

707

1 she was going to go get a gun?

2 A Yes, ma'am.

3 Q Did your wife go get that gun?

4 A No, she did not.

5 Q Did you tell them that you scuffled and  
6 grabbed the gun from her?

7 A I don't remember telling them that.

8 Q Did you tell them that you felt the gun  
9 hitting something?

10 A I remember I told them that I thought  
11 it was the door facing.

12 Q Why did you tell them that you thought  
13 you heard it hit the door facing?

14 A Because I didn't want to say I hit my  
15 wife with a gun when I didn't.

16 Q Did you tell them that you picked your  
17 wife up and carried her into the children's bed room?

18 A Yes, I did.

19 Q Had you done that?

20 A No, I did not.

21 Q Did you tell the Police that you  
22 thought you saw your wife starting to move and that you  
23 had grabbed a cord and put it around her neck?

24 A Yes, I told them that?

Reggett - Direct

708

1 Q Did you do that?

2 A No, I did not.

3 Q Did you tell the Police that you became  
4 afraid that she might come in and continue to fight with  
5 you?

6 A Yes, I did.

7 Q Was that true?

8 A No, it was not.

9 Q Did you tell the Police that your  
10 children were screaming and trying to help their mother?

11 A Yes, I did.

12 Q Was that true?

13 A No, it was not.

14 Q Did you tell them that you grabbed Paul  
15 Eric and put him on the floor and put your knee on his  
16 back and grabbed a radio cord?

17 A I don't remember saying I grabbed a  
18 radio cord. I think I told them that I put him down and  
19 put my knee on his back.

20 Q Did you tell them that you tied the  
21 cord around his neck?

22 A I don't remember telling them that. I  
23 remember telling them that I grabbed him and put him on  
24 the floor. I don't remember the rest of that.



Reggett - Direct

709

1 Q Did you tell them that you put him in  
2 the bath tub?

3 A I don't know. I don't remember.

4 Q Did you tell them that your son was  
5 calling, "Don't, daddy?"

6 A I think I told them one of the kids  
7 was, but I don't know which one it was.

8 Q Had they asked you a question about  
9 whether the children were saying anything?

10 A Oh, yes. They asked me what were the  
11 kids doing?

12 Q So, your answer was in response to  
13 their question?

14 A Well, he said, "What were your kids  
15 doing? Were they hollering or saying anything or doing  
16 anything?"

17 Q This information, Mr. Reggett, about  
18 your wife being tied with a cord and your son being in  
19 the bath tub, were those acts that you viewed at your  
20 house?

21 A Yes. I saw that.

22 Q Did you tell the Police that you tied  
23 Bernadette up and hung her on the door?

24 A I don't remember telling them that.

Reggett - Direct

710

1 Q Did you tell them that you put a pair  
2 of scissors into your wife's body?

3 A Yeah, I remember telling them that.

4 Q Was that true?

5 A No, it wasn't. No, it isn't.

6 Q Did you tell them that you laid down  
7 after your family was dead and went to sleep?

8 A I don't remember telling them that? I  
9 vaguely remember something to that effect, but I can't  
10 tell you if I did or not. I really don't know.

11 Q Did you tell them you watched TV when  
12 you got up?

13 A I told them about the show about  
14 Baretta. I don't know if I told them that in confession  
15 or not. I remember telling them that I had watched  
16 television.

17 Q Did you tell them that you took the  
18 rifle out of your house?

19 A Yes, ma'am.

20 Q Do you remember what you did tell them  
21 that you did with that rifle?

22 A Yes, ma'am.

23 Q What did you tell them you did?

24 A I told them that I throwed it in the

Reggett - Direct

711

1 Kanawha River.

2 Q Why did you tell them that?

3 A Well, first, I started to tell them  
4 that I had thrown it out on the interstate. And I  
5 thought, well, if I tell them that, they are going to go  
6 up there real quick and find out that that is not true.  
7 And then they'll start on me again.

8 So, I said, no, I can't tell them that. I have  
9 to tell them something to get them off my back for a  
10 while. That was the best thing I could think of -- was  
11 to tell them -- it came into my mind where I had crossed  
12 the river going to work. So, I told them I stopped on  
13 the bridge, and threw it in the river.

14 Q Did you tell them you pulled the sheet  
15 down off the door in the kitchen to try to make it look  
16 like a burglary in your house?

17 A I don't remember saying that.

18 Q Did you do that?

19 A No, I did not.

20 Q Did you tell the Police that you left  
21 for work at about thirteen minutes until two?

22 A Yeah, I did tell them that.

23 Q Is that the truth?

24 A That's the truth.

Reggett - Direct

712

1 Q Did you tell them that you felt free?

2 A Yes, I did.

3 Q Was that the truth?

4 A No.

5 Q Did you tell them you felt good at  
6 work?

7 A Yeah.

8 Q Was that the truth?

9 A Yeah. I didn't feel bad at work.

10 Q Did you tell them after work that you  
11 went back to the house, looked at the bodies and took  
12 down your daughter?

13 A Ma'am, I want to tell you something.  
14 I want to tell you one thing that did happen down there.  
15 After they died that morning, and I realized they had  
16 died, I felt like a great weight had been took off of me,  
17 in a responsible way, responsibility, is what I mean.

18 Now, that thought -- it's not what had happened,  
19 it's just a thought that came into my mind, that a great  
20 responsibility had been come off of me. And that  
21 feeling passed. Then, the worst feeling I've ever felt  
22 in my life came over me, of a great loss. I had a  
23 thought of the free -- you're talking about the feeling  
24 of free -- the sudden weight went off of me, and as it

Reggettz - Direct

713

1       went off, the thought of it, I felt a great dread, the  
2       most horrible feeling I felt inside of me that I have  
3       ever felt in my life. I've never felt anything like it  
4       before or since.

5               Q               When did that happen?

6               A               As I ran back out of the house to go up  
7       at the A&W the first time that I went out there. The  
8       thought came into my mind, "I'm free. The responsibility  
9       is gone." And as that passed out of sight, something  
10      inside me died.

11              I felt like I'd died. I felt like I died inside.

12              Q               That was on your way back, after you  
13      had seen your wife and daughter?

14              A               That was as I went out to the A&W. I  
15      went running down the hill, and felt like something  
16      inside of me had died. I died inside.

17              Q               Did you tell the Police that you put  
18      your boy in the bath tub because he liked to swim?

19              A               Yes, I did.

20              Q               Did you tell them that you put your  
21      daughter up because she liked to swing?

22              A               Yes, I did.

23              Q               Why?

24              A               Well, I'm a coward. All my life, I've

Reggett - Direct

714

1       tried to act tough, and all it was, was a big charade  
2       that I put on. I never was what I tried to pretend I  
3       was. And I was such a coward to own up and say that I  
4       knew in my heart that I hadn't done. That was the best  
5       I could come up with, and this is what I was thinking to  
6       myself. I wasn't man enough to stand up and say, "No,  
7       I'm not going to confess to something I didn't do."

8               So, the next best thing I came up with -- anybody  
9       that would do that to three people would have to be  
10      crazy. You know, this is crazy. Only crazy people would  
11      kill three people like that.

12             So, I said, I'll give them something to make them  
13      think that I'm crazy, and that's the best I could come  
14      up with. I thought, "I'll tell them something that is  
15      really screwy, crazy." And that, to me, is crazy.

16             Q           Do you remember approximately what time  
17      it was in the day or night that you told the Police these  
18      things?

19             A           Late at night.

20             Q           Late at night?

21             A           Late at night.

22             Q           After you told them these things, did  
23      they write it up and ask you to look at it?

24             A           I remember this man writing, but he

Reggettz - Direct

715

1 didn't ask me to look at it.

2 Q You never read what he wrote?

3 A No.

4 Q Were you ever asked to sign anything to  
5 acknowledge that those things were true?

6 A No, ma'am.

7 Q Was your confession tape recorded or  
8 taken down by a secretary?

9 A No, ma'am.

10 Q Did you give them a reason why you  
11 weren't showing much emotion?

12 A I don't know what I told them, but I  
13 didn't feel any emotion at all. I don't remember feeling  
14 anything.

15 Q Did you, some time later?

16 A Later in jail, yeah, but not right  
17 then.

18 Q How long was it?

19 A Some time the first thirty days I was  
20 in jail, the realization of what had happened to me, what  
21 had happened to my family -- I started really thinking  
22 on it, what had happened.

23 Q After the statement was taken, did you  
24 go back down to your house?

Reggett - Direct

716

1 A Yes, ma'am.

2 Q How did you get there?

3 A With some -- I believe Mr. Roark and  
4 some of the Troopers took me back to the house.

5 Q Were you asked to demonstrate your  
6 confession?

7 A Yes, ma'am.

8 Q What did the Police ask you to  
9 demonstrate?

10 A Well, the only thing I remember in  
11 particular was, they told me that Vanessa had been  
12 carried from the front room. When I say front bed room,  
13 to the back bed room, and dropped on the floor.

14 They said, "Show us how you did that." So, I  
15 pretended like I had picked her up from the front bed  
16 room and dropped her on the floor in the back bed room.

17 Q Is there anything else you pretended?

18 A I think they asked me to show them how  
19 I put my arm around her, but I'm not sure. I believe  
20 they asked me to show them how I placed Paul Eric in the  
21 bath tub.

22 Q Did they ask you to demonstrate  
23 anything with regard to your daughter?

24 A The best I can remember, they asked me



Reggett - Direct

717

1 to show how I hung her on the door.

2 Q Did you do what they asked?

3 A Yes, I did.

4 Q After you made these statements, were  
5 you arrested for murdering your family?

6 A Yes, I was.

7 Q Did you go to jail?

8 A Yes, I did.

9 Q Do you know approximately what time of  
10 day that was?

11 A That was around noon, I think. Then,  
12 they placed me in the County Jail.

13 Q Almost a full day since you'd  
14 discovered the family?

15 A Yes.

16 Q Had you had any sleep in that period of  
17 time?

18 A No, I had not.

19 Q Had you had anything to eat?

20 A During the night, he offered to give me  
21 something else to eat, but I didn't eat very much of it  
22 because I didn't feel like it.

23 Q Were you later released from the jail?

24 A Yes, ma'am.

Reggett - Direct

718

1 Q Was that after October 28, 1980?

2 A I don't remember the exact date. I  
3 think it was in November, it seems like. It was almost  
4 eleven months.

5 Q Now, you earlier said, Mr. Reggett,  
6 that you described yourself as a coward?

7 A Yes, ma'am.

8 Q Do you like to fight?

9 A No.

10 Q Did you fight with your wife?

11 A I fussed with my wife, not fight with  
12 my wife. The difference is, I would do a lot of talking,  
13 but no physical part of it.

14 Usually, in arguments I had with my wife I would  
15 pick at her or fuss with her about something, and she'd  
16 get mad and then I would want to quit fighting.

17 Q You would want to quit at that point?

18 A Yeah. That's when I wanted to quit.

19 Q Do you have a phobia about debt?

20 A I don't like for there to be a debt at  
21 all, but I realize that there is some things you have to  
22 be in debt for, but I don't like to be in debt for  
23 anything, if I can help it.

24 Q In 1979, were you making car payments?

Reggettz - Direct

719

1           A           Yeah. I know that I, of course, was  
2           making the payments as quick as I could to get my car  
3           paid off.

4           Q           In other words, you were making more  
5           than your once a month payments?

6           A           Oh, yes, I was paying them as quick as  
7           I could.

8           Q           Did you have any other debts at that  
9           time?

10          A           I don't know when, but I had cosigned  
11          for a loan for my brother-in-law and he had reneged on  
12          it. He made two or three payments or something and  
13          reneged on it, and I was having to pay that off.

14          Q           Mr. Reggettz, let me hand you what has  
15          been marked for identification purposes as State's  
16          Exhibit 127, and ask you if you recognize that?

17          A           Yes, that's a clock radio.

18          Q           Does it belong to you?

19          A           Un-huh, it did.

20          Q           Was the cord missing from it when you  
21          last saw it?

22          A           No, it was not.

23          Q           Where was this clock radio plugged in?

24          A           I don't know where it was plugged. It

Reggett - Direct

720

1 was sitting at the foot of the bed where she slept with  
2 the kids, toward the wall in the bath room.

3 Q Was this the clock radio that she used  
4 as an alarm?

5 A Yes, ma'am.

6 Q Were there any other alarm clocks in  
7 your home?

8 A I had a small one, just a small wind  
9 type alarm.

10 Q Is that the one that we can see in your  
11 bed room?

12 A Yeah. It set on a little, like a night  
13 stand next to my bed.

14 Q Did you keep it wound up and accurate?

15 A No. About the only time I used it was  
16 on weekends, if I wanted to get up early on a weekend.

17 Q Let me hand you what has been marked  
18 for identification purposes as State's Exhibit 158, and  
19 ask you if you recognize that item?

20 A It's a pair of scissors that we used at  
21 the house.

22 Q Were these used for any particular  
23 purpose?

24 A Vanessa would use them to cut Paul

Reggettz - Direct

721

1 Eric's hair and I would use them to trim my mustache.

2 Q Where were they usually kept?

3 A I usually used them in the bath room.

4 I don't know what particular place she kept them. I  
5 usually used them in the bath room in front of the  
6 mirror.

7 Q Did you own any guns?

8 A Yes, ma'am.

9 Q Did you own any guns that didn't work?

10 A Yes, ma'am.

11 Q How many?

12 A I had two antique guns, and I had two  
13 barrels, two antique barrels. They didn't have the whole  
14 works, just the barrel parts of them.

15 Q What kind of antique guns were they?

16 A Civil War muskets.

17 Q Did you like the Civil War?

18 A Yeah.

19 Q Did you study the Civil War?

20 A Yeah.

21 Q Did you collect other items from that  
22 period?

23 A Yes, ma'am.

24 Q What type of items did you collect?

Reggett - Direct

722

1           A           I had artillery ammunition, bullets,  
2           just different objects that soldiers used, some caps and  
3           things.

4           Q           Did you have any firearms in your home  
5           that were operational?

6           A           Yes.

7           Q           What did you have?

8           A           I had what looked like an old Colt  
9           pistol, like an old Western pistol, a six-shooter.

10          Q           What caliber was it?

11          A           .22, and I had a .22 rifle.

12          Q           Let me hand you what has been marked as  
13          State's Exhibit 123, and ask you if you recognize these  
14          items?

15          A           Yes, ma'am. That's the butt part of my  
16          pistol.

17          Q           The .22 pistol that you were just  
18          speaking of?

19          A           Yes, ma'am.

20          Q           Did you say you had any other  
21          operational weapons?

22          A           Yeah, I had a .22 rifle.

23          Q           Do you know what brand it was?

24          A           Glenfield, I think, I'm not sure.

Reggettz - Direct

723

1 Marlin Glenfield, or something like that.

2 Q Let me hand you what has been marked as  
3 State's Exhibit 109, and ask you if you recognize this  
4 item?

5 A No, I don't, ma'am.

6 Q Did you have kitchen curtains of this  
7 type?

8 A I don't remember what kind of curtains  
9 she put up. I just know that she had curtains in the  
10 kitchen. That's all I know. We had white curtains.

11 Q Let me ask you to look at Exhibit 105,  
12 Mr. Reggettz, and ask you if you recognize this  
13 (Indicating)?

14 A No, ma'am. It's something like a  
15 vacuum cleaner that we had down there that belonged to  
16 Fortson's. I can't say for sure.

17 Q Did you own a vacuum cleaner?

18 A No, ma'am, we did not.

19 Q Who did you say owned it?

20 A Fortson's, the people that owned the  
21 house.

22 Q Did you own a camera?

23 A Yes, ma'am, I did.

24 Q Do you remember what type it was?

Reggettz - Direct

724

1           A           A Kodak. I think it's like a Polaroid,  
2           but it's a Kodak Instant camera.

3           Q           Let me hand you Exhibits 102 and 119,  
4           and ask you to examine these two exhibits.

5                   Is this the type of camera that you had?

6           A           Yes, ma'am.

7           Q           Can you tell the difference between  
8           these two cameras?

9           A           Yes, ma'am.

10          Q           What difference is there?

11          A           Mine was in excellent condition. For  
12          one thing, the handle on mine was there and that one's  
13          gone. That one has a name on it. The only name mine had  
14          on it was not a name, it was on this part here -- there  
15          are three little slots that you put your initials and I  
16          had put VET there on the back.

17                  There's nothing on this one, but the one I had I  
18          had put VET on it. And mine was in excellent condition.  
19          It was a new camera. I hadn't had it that long.

20          Q           Does this appear that there have been  
21          initials on the back of it?

22          A           Yes, it does.

23          Q           Why do you say that?

24          A           Because you can see where it's not



Reggettz - Direct

725

1 smooth.

2 MR. BICKLEY: Your Honor, I object to that type  
3 of identification.

4 THE COURT: I'll allow it.

5

6 BY MS. LUSK:

7

8 Q Does this appear to be your camera, Mr.  
9 Reggettz?

10 A Yes, it does.

11 Q This one has a name on it, you said?

12 A I saw something.

13 Q Was the last name Moss?

14 A Yes.

15 Q Did you take family photographs with  
16 this camera, Mr. Reggettz, this Exhibit 102?

17 A Yes, ma'am.

18 Q At this time, I want to hand you  
19 Exhibit 162.

20 Can you identify that photograph?

21 A Yes, ma'am, that's a picture of me.

22 Q When is that dated?

23 A November 5, 1979.

24 Q Was that photograph taken with this

Reggett - Direct

726

1 handle camera?

2 A Yes, ma'am.

3 Q Let me hand you Exhibits 163, 164, 165  
4 and 166.

5 Can you identify those?

6 A Yes, ma'am.

7 Q What are they?

8 A Battlefield scenes from Virginia.

9 Q Who took those pictures?

10 A I did.

11 Q With this handle camera?

12 A Yes, ma'am.

13 Q Now, these are smaller than those, this  
14 photograph of you. Why is that?

15 A For two reasons: I'm not sure, I think  
16 the quality -- oh, I was thinking it was a different kind  
17 of film. The reason why is I have an album and I have  
18 to cut them to put them into the album.

19 In my albums, I don't like that stuff that is  
20 left around the pictures. I like them -- in the albums,  
21 I like to cut them off.

22 Q You mean the border?

23 A Yeah. I cut that off, especially the  
24 bottom part.

Reggett - Direct

727

1 Q Let me hand you Exhibit 159. Whose  
2 photograph is that?

3 A That's my wife.

4 Q Your wife, Vanessa?

5 A Yes, ma'am.

6 Q Is that photograph a true and accurate  
7 picture of her?

8 A Yes, it is.

9 Q Is it dated?

10 A Yes, it is.

11 Q Does the photograph accurately depict  
12 the condition of her complexion?

13 A Yes, it does.

14 Q Did you tell the Police that you had a  
15 handle camera?

16 A No, I didn't. I don't remember that.

17 Q Did you know that it was missing?

18 A No, I didn't.

19 Q When you went back into your house  
20 after you were released from the jail in November, did  
21 you take your belongings out of that home?

22 A Yes, I did.

23 Q Was your handle camera there?

24 A No, it wasn't.

Reggett - Direct

728

1 Q Did you once belong to a motorcycle  
2 gang, Mr. Reggett?

3 A I guess you could call it that.

4 Q Did you have a name for the group?

5 A Yes, ma'am.

6 Q What was the name?

7 A The Sons of Satan.

8 Q How many members strong were you?

9 A Two.

10 Q There were two members in your gang?

11 A Yeah, full-time members, two.

12 Q Did you have a motorcycle? Did either  
13 one of the members of your motorcycle gang have a  
14 motorcycle?

15 A No.

16 Q Did you ever have access to a  
17 motorcycle?

18 A A friend of mine borrowed his brother's  
19 once, I think, and we rode it.

20 Q What happened?

21 A I fell off of it. We wrecked.

22 Q So, your motorcycle gang consisted of  
23 two persons, but you didn't own a motorcycle?

24 A Yes, ma'am.

Reggett - Direct

729

1 Q Did you ever do anything violent?

2 A Me and this Tom jumped on my brother-  
3 in-law one time.

4 Q You got into a fight once with your  
5 brother-in-law?

6 A With my brother-in-law, yeah.

7 Q Did you ever drink beer?

8 A Yeah. We'd been drinking.

9 Q Did you drink beer as a member of the  
10 gang?

11 A Yeah, we'd drink.

12 Q Did you wear a jacket?

13 A Yes, I did.

14 Q What kind of jacket was it?

15 A Denim, cut-off denim.

16 Q Did it have any emblems on it?

17 A I don't remember exactly what it had on  
18 it, but I had a vest and I think it may have had some  
19 kind of a cross on the back. I don't know whether I was  
20 wearing it or not, but I had to have -- we just put  
21 chains and whatever we could find to put on it -- emblems  
22 and such.

23 Q Were you married at the time that you  
24 belonged?

Reggettz - Direct

730

1           A           No.    When this was going on, I had  
2   never gotten married.

3           Q           You got married in '71, and whatever  
4   activities you were involved in with this gang ---

5           MR. HUFFMAN:   Your Honor, she is leading the  
6   witness right down the path here.

7           THE COURT:   I'll sustain the objection.

8

9   BY MS. LUSK:

10

11           Q           How long -- strike that.

12                   Have you ever owned a motorcycle?

13           A           Yes.

14           Q           Was that before or after you were  
15   married?

16           A           After.

17           Q           How long did you own it? .

18           A           A couple of years, I guess.   I had  
19   finally got in a position where I had some money saved  
20   up.   A friend of mine co-signed and I bought a  
21   motorcycle.

22           Q           Mr. Reggettz, at the time your wife  
23   died, do you recall whether she was on her menstrual  
24   period?

Reggett - Direct

731

1 A Yes, she was.

2 Q Did she sometimes use something other  
3 than a sanitary napkin, a store-bought sanitary napkin?

4 A Yes, she did.

5 Q What was that?

6 A Toilet paper.

7 Q When you went back into the house after  
8 you were released from jail, did you see such a thing in  
9 your home?

10 A Yes, I did.

11 Q Where was it?

12 A Laying in her bedroom.

13 Q Where in her bedroom?

14 A Just laying there in the floor.

15 Q In the floor?

16 A Yes.

17 Q Had you planned for Christmas 1979?

18 A Yes.

19 Q Did you have a tree?

20 A Yes, ma'am.

21 Q Was it live?

22 A No, artificial.

23 Q How old was it?

24 A Oh, I don't know. We hadn't had it

Reggett - Direct

732

1 very long. We bought it that year.

2 Q You had just bought it that year?

3 A Well, as far as I remember, I was --  
4 some people call it frugal -- I was kind of tight about  
5 things, and I'm not sure if it was bought that year, but  
6 it was a new tree.

7 Q Had you been Christmas shopping?

8 A Yes.

9 Q Who went Christmas shopping?

10 A Usually, me and Vanessa and the kids  
11 all went together.

12 Q The gifts that are pictured in State's  
13 Exhibit 103, who bought them?

14 A I did.

15 Q What did you buy for your son?

16 A I bought -- one thing I bought him --  
17 well, three things. I remember, I bought him some things  
18 that had to do with space, like a space station. And I  
19 think that Battlestar Galactica was big back then, and  
20 I had a couple of those things that went with that  
21 Battlestar Galactica.

22 Q What did you buy for your daughter?

23 A I remember a dish set, some kind of  
24 plastic -- I think pots and pans. And I'm not sure, but



Reggett - Direct

733

1 some kind of plastic tea kettle or something like that.  
2 I don't remember exactly what it was.

3 Q Did you buy her a baby doll?

4 A I don't remember getting one. I  
5 remember my wife -- I think she was talking about  
6 Bernadette wanting one. But I don't remember a baby  
7 doll.

8 Q Let me hand you Exhibit 99, Mr.  
9 Reggett, and ask you to identify that.

10 A That's the dish set.

11 Q A child's dish set?

12 A Yes.

13 Q So, it's dishes?

14 A Yeah, pots and pans, things like that.

15 Q Is that the dish set you described that  
16 you purchased?

17 A I don't remember what the set looked  
18 like. I just remember we got a dish set. I couldn't  
19 tell you if that was the set. I just know that we got  
20 her a dish set.

21 Q If there was a dish set under the tree,  
22 did you buy it?

23 A Oh, yeah.

24 Q Let me hand you Exhibit 100, and ask

Reggettz - Direct

734

1 you to examine those.

2 Can you identify that?

3 A Oh, it's like a set that I had got my  
4 wife that year.

5 Q Do you recall where you bought it?

6 A Well, I thought I had got it at K-Mart,  
7 from what I remember; but I can't say for sure. I  
8 thought I bought it at K-Mart. One reason is because I  
9 told her to go ahead and get it; it was on sale -- I  
10 remember that. But I thought it was at the K-Mart we  
11 shopped at in St. Albans.

12 Q Were you with her when it was  
13 purchased?

14 A Yes, ma'am.

15 Q What do you remember about the  
16 silverware?

17 A It had flowers on it. I called them  
18 roses.

19 Q Did you like roses?

20 A Yeah. I like flowers. My mom always  
21 had flowers. I like flowers.

22 Q Mr. Reggettz, Mr. Bickley said that you  
23 wanted your wife killed; is that true?

24 A No, it isn't.

Reggettz - Direct

735

1 Q Did you kill her?

2 A No, I did not.

3 Q Did you kill Paul Eric Reggettz?

4 A No, I did not.

5 Q Did you kill Bernadette Reggettz?

6 A No, I did not.

7 MS. LUSK: That's all I have.

8 THE COURT: Folks, we'll take a ten minutes  
9 recess.

10

11 WHEREUPON, the Court stood in a recess in the  
12 hearing of this case.

13

14 (Back on the Record)

15

16 CROSS-EXAMINATION

17

18 BY MR. BICKLEY:

19

20 Q Mr. Reggettz, how long did you stay at  
21 the Gene's Motel? Do you recall?

22 A No, sir, I don't.

23 Q Would seven months be about the right  
24 figure?

Reggett - Cross

736

1                   A            Something like that. I don't remember.  
2           I honestly do not know how long we was there. I know we  
3           was there quite a while.

4                   Q            How many rooms did you have in that  
5           motel?

6                   A            One room and a bathroom.

7                   Q            Just a regular motel room?

8                   A            Yes, sir, that was all.

9                   Q            And in this room, you had your wife and  
10          your two kids; is that correct, sir?

11                  A            Yes, sir.

12                  Q            Were you working at UPS at this time?

13                  A            Yes, sir.

14                  Q            And you were making approximately what  
15          -- thirteen thousand dollars, or more?

16                  A            That year I think I made somewhere in  
17          that neighborhood.

18                  Q            And what were you paying Mr. Moss, Mr.  
19          Gene Moss, how were you compensating him?

20                  A            I believe -- I'm not sure, but I  
21          believe I paid him forty-five a week.

22                  Q            Did your wife work for him?

23                  A            I think she did housework and so forth;  
24          yeah.

Reggettz - Cross

737

1 Q How did it come that you came to live  
2 at the house the Fortsons rented to you.

3 A We had lived in an apartment up on Lee  
4 Street, and it seemed like that every time the utilities  
5 or something went up, our rent kept going up. And I  
6 didn't want to stay there any longer, so I told Vanessa  
7 we'd get ready and -- we had been looking for a place to  
8 live and I was supposed to move, too. And every place  
9 seemed like it was so much that we decided -- I probably  
10 got Vanessa to talk to Gene to see if we could move into  
11 the motel until we could find something.

12 Q Then, sir, when you moved out of the  
13 motel, how did you come about this transfer?

14 A The best I can remember, I think Mr.  
15 Fortson said something to Mr. Moss, the owner. And the  
16 owner said something to me that there was a little house  
17 down there that they would let us have real cheap.

18 Q Is it not true -- and I think the  
19 Fortsons realized that one room for an entire family was  
20 not enough. And they offered it to your wife for rent,  
21 the house?

22 A I don't know that they felt that way,  
23 but they offered to rent us the house.

24 Q Sure. Now, when you moved into the

Reggett - Cross

738

1 house, is it not true that the Fortsons had to give you  
2 or loan you a refrigerator?

3 A Yes, sir.

4 Q Is it also not true that you refused to  
5 help them put the refrigerator into the house?

6 A Yes, it's true.

7 Q Now, they had to move -- to put the  
8 refrigerator in themselves. Did you also have to get  
9 furniture donated to you; is that correct?

10 A Mrs. Moss gave us, I think, a loveseat  
11 and another older lady, I know, gave us a couch.

12 Q And yet you were making approximately  
13 thirteen thousand dollars a year?

14 A That year I made about that.

15 Q Wasn't a big source of conflict -- one  
16 of the big sources of conflict that you had with your  
17 wife is that she wanted a color TV, and every time she  
18 mentioned a color TV that set you off in a rage?

19 A I don't remember any particular thing  
20 she might have wanted. I'm not saying she didn't want  
21 one. I don't remember.

22 Q You don't remember -- you don't ever  
23 remember saying that this is one of the things she  
24 wanted?

Reggett - Cross

739

1           A           I don't remember. I don't know. I  
2           won't say she didn't want one, because very possibly she  
3           could have wanted one.

4           Q           Another bone of contention that you had  
5           with your wife was the fact that the brother-in-law had  
6           reneged on a note that you had co-signed?

7           A           Yes.

8           Q           And that was a series of arguments you  
9           used to have with your wife?

10          A           Yes, sir.

11          Q           So, you would characterize yourself --  
12          or it would be a correct statement to say that you were  
13          tight with money?

14          A           Yes, sir.

15          Q           You were very tight with money?

16          A           Yes, sir, I was.

17          Q           And that you were making weekly  
18          payments on this Honda while your family was going in  
19          need; is that true?

20          A           Well, they had food. If you call -- as  
21          far as the room was when we lived in the motel, yes, we  
22          didn't have enough room, for sure.

23          Q           In fact, you had to use a beer cooler  
24          for a refrigerator; is that correct?

Reggett - Cross

740

1 A That's true.

2 Q And you lived under those conditions  
3 for seven months?

4 A For quite a while. I don't know  
5 exactly how long, but it was a long time.

6 Q Now, back to this Satanic group that  
7 you belonged to at one time, is it not true, sir, that  
8 the philosophy of that group was that women were on the  
9 level of animals, and you got that philosophy when you  
10 were the member of that motorcycle gang that worshipped  
11 Satan; is that a fair statement?

12 A No.

13 Q You did not worship Satan?

14 A We tried to conjure up Satan at one  
15 time.

16 Q You tried to conjure up Satan?

17 A Yeah. We tried to conjure -- yeah.  
18 He knew more about this sort of thing than I did. I  
19 remember me and him and another fellow were trying to  
20 conjure up demons.

21 Q Were you successful?

22 A No.

23 Q Now, you mentioned that there were only  
24 two or three regular members, how many other part-time



Reggett - Cross

741

1 members were there?

2 A Well, like my wife, before I married  
3 her. Her and her sister, and I believe some of her  
4 friends -- they hung out with us. And there was a boy  
5 named Mark who used to hang around with us. I don't know  
6 if you would call them members. They'd just hang around  
7 with us.

8 Q They'd hang around with this small  
9 gang?

10 A Yes.

11 Q Now, during the time that you enjoyed  
12 the Civil War -- going out to the various battlefields,  
13 Antietam is one of the battlefields you went to see the  
14 memorial; is that correct?

15 A Yes, sir.

16 Q And you used your money to buy Civil  
17 War souvenirs?

18 A Yes, sir.

19 Q And in fact, sir, you bought a Civil  
20 War rifle that cost three hundred dollars; would that be  
21 true?

22 A No. I had two together, and they cost  
23 three hundred dollars.

24 Q So, you did spend money on the things

Reggettz - Cross

742

1 that you wanted?

2 A Yes, I did.

3 Q You had a brand new Honda?

4 A A '78, yeah.

5 Q And you wanted a watch for yourself?

6 A Yes, I did.

7 Q Did you ever say that you wished your  
8 wife was dead?

9 A Yes, I did.

10 Q Did you ever say you wished your son  
11 were dead?

12 A I said I wished he had never been born.

13 Q And do you remember, in the course of  
14 your confession, of correcting one of the Troopers who  
15 said you thought you threw the rifle off of I-79, but you  
16 thought you told him it was I-64?

17 A No, I don't.

18 Q Okay. Do you understand what I said?

19 A I was supposed to have told a Trooper  
20 that I dropped it off of I-79?

21 Q No, no. The Trooper thought you said  
22 it was I-77 and you corrected him and said I-64?

23 A I don't remember saying that.

24 I believe what you're saying there -- something

Reggett - Cross

743

1 does gel in my memory, that they asked me what particular  
2 road. But he asked me what bridge.

3 Q What bridge?

4 A Yes. I told them it was the first  
5 bridge across the Kanawha River.

6 Q They thought it was one bridge but you  
7 told them that it was another bridge?

8 A Right.

9 Q Now, sir, if they were forcing you to  
10 do this, why didn't you just leave it at I-77?

11 A Well, I don't remember the exact  
12 circumstances of that, but I knew that I had to tell them  
13 that it was the bridge that I crossed when I went to  
14 work. That was the bridge that I went across that  
15 morning. I don't remember saying about I-77 or I-79.  
16 I said it was the bridge I crossed when I went to work  
17 that morning -- or, they asked me, "Was it the bridge  
18 that you crossed when you went to work that morning?"

19 Q Now, if I understand you on direct, you  
20 indicated that you walked into your home, you found your  
21 wife hanging, or laying on the floor, your daughter  
22 hanging, and your son in the bathtub, and you walked out  
23 and said, "I feel free."

24 Is that correct statement?

Reggett - Cross

744

1           A           Not in that order. I said those things  
2           when I found out -- well, the first thing was I found my  
3           wife. I didn't find my boy until later. I felt like a  
4           load of responsibility had been taken off of me. That's  
5           what I said, that I felt like a load of responsibility  
6           had been taken off. But then, I felt like I had died.

7           Q           Did there come a time when Trooper  
8           Woodyard took you to the -- well, there came a time when  
9           Trooper Woodyard took you to Company B headquarters; is  
10          that correct?

11          A           That's right.

12          Q           And the purpose was to question you?

13          A           Yes.

14          Q           And as I understand your testimony,  
15          Trooper Woodyard said, "If you don't confess in five  
16          minutes, I'm going to turn these two Troopers loose on  
17          you"?

18          A           He said, "I'm going to give you five  
19          minutes and then I'm going to let these two Troopers have  
20          you."

21          Q           Who were these two bad guys?

22          A           Just two men in green uniforms standing  
23          at the bottom of the stairs, inside the doorway, where  
24          I was at.

Reggett - Cross

745

1 Q Did you know their names?

2 A No, I did not.

3 Q Okay. And at that time, you began your  
4 confession; is that correct?

5 A I guess I did, yes, sir.

6 Q And it was your statement to them, you  
7 said that the children were acting up and would not eat  
8 their food; is that a correct statement?

9 A Yes, sir.

10 Q You said after supper, the children  
11 were romping around the room, playing, making noise; is  
12 that a fair statement?

13 A I remember saying they were romping and  
14 carrying on.

15 Q And that you became annoyed with the  
16 children as you tried to watch television, and told your  
17 wife on several occasions to try to make them be quiet;  
18 is that a fair statement?

19 A I don't remember on several occasions.  
20 I remember telling them I told her to make them be quiet.

21 Q Do you remember telling Trooper  
22 Woodyard that when they continued playing, you got a  
23 headache?

24 A Yeah, I remember both of those things.

Reggett - Cross

746

1 Yeah, I told them that.

2 Q You told your wife to put them to bed;  
3 correct?

4 A I don't know.

5 Q Are you telling the Court that Trooper  
6 Woodyard all this time had been putting words into your  
7 mouth?

8 A He was asking the questions -- I guess  
9 you'd call it leading questions -- telling me in what he  
10 was asking me. He was giving me the information I gave  
11 back to him. He'd say, "Well, was the kids carrying on?"  
12 And I'd say, "Yeah, they were carrying on."

13 He'd say, "Were they saying anything to you?  
14 Were they romping and bothering your television?" And  
15 I'd say, "Yeah, they were romping and bothering the  
16 television."

17 Q At one point you told Trooper Woodyard  
18 that your wife went into the bedroom and started to spank  
19 the children; is that a correct statement?

20 A I don't remember telling him that.

21 Q Did you say she was a little rough with  
22 the children and you went into the bedroom to stop her?

23 A Yeah, I remember telling something  
24 about that she was too rough.

Reggett - Cross

747

1 Q And then that you all began pushing  
2 each other; do you remember that?

3 A Yeah, I said that.

4 Q And you all began arguing -- your wife  
5 then went into the bedroom to get a gun?

6 A Yes, that's what I told him.

7 Q You said you began to scuffle, you  
8 grabbed the gun away from her; is that correct?

9 A Yes, sir.

10 Q Huh?

11 A Yes, sir.

12 Q And you remember swinging a gun?

13 A Yes, sir.

14 Q And you thought you had hit something,  
15 but you didn't know what you had hit?

16 A Yes, sir, that's what I told him.

17 Q And your wife fell to the floor; do you  
18 remember that?

19 A I don't remember that.

20 Q And there was a kind of moaning and not  
21 moving?

22 A It seems like I remember saying that,  
23 yeah.

24 Q Do you remember you saying that -- her

Reggett - Cross

748

1 moaning?

2 A They asked me if I heard something like  
3 that.

4 Q Do you remember you telling Trooper  
5 Woodyard the day before that you picked her up and  
6 carried her into the children's bedroom and dropped her  
7 on the floor near the television room? Did you make that  
8 statement?

9 A I don't remember.

10 Q Do you remember telling Trooper  
11 Woodyard ---

12 A If he said I did, then I guess I did.  
13 I don't remember it. All I know is they told me at the  
14 house that she had been picked up and carried and dropped  
15 in the floor and asked me to show them how I done it.

16 Q This is the day before, Mr. Reggett?

17 A I'm sorry, I don't remember.

18 Q This is before they went to the house  
19 with you?

20 A I don't remember telling them that.

21 Q You told them the day before you ever  
22 went to the house -- what happened?

23 A Uh ---

24 Q You said your wife started to move and



Reggettz - Cross

749

1 you grabbed and extension cord lying beside her in the  
2 television room, wrapped that around her neck and held  
3 it until the movement stopped?

4 A Yes, I told them that.

5 Q You said you were afraid she might come  
6 to and continue fighting with you, and you tied her to  
7 the door of the television room; do you remember that?

8 A Yeah, I remember the first part, but  
9 not the last.

10 Q Do you remember you told them she could  
11 not -- that you could not get the end of the cord to fit  
12 through the hole in the door; do you remember that?

13 A The only thing I remember telling them  
14 is that I couldn't get the cord out of the door.

15 Q And your children were crying and  
16 screaming and trying to help their mother; do you  
17 remember telling them that?

18 A I remember saying the kids were running  
19 around hollering.

20 Q And this screaming was causing your  
21 head to pound and you had to stop the noise; do you  
22 remember that?

23 A Yes, I do.

24 Q And you stated that you got on your

Reggett - Cross

750

1 knees with your wife's body when your son tried to run.  
2 You grabbed the child around the waist and threw him face  
3 down on the floor; do you remember that?

4 A I remember saying that I grabbed him  
5 and put him on the floor.

6 Q And you held him down and placed your  
7 knees on the child's buttocks and legs; do you remember  
8 that?

9 A I remember saying that I put a knee on  
10 his buttocks.

11 Q And you reached to your left and put a  
12 cord of a radio, which was at the end of the bed; do you  
13 remember that, sir?

14 A I remember saying that I reached and  
15 got a cord, but I don't remember saying where it was at.

16 Q And you yanked the cord out of the  
17 outlet and wrapped it around your son's neck; do you  
18 remember that, sir?

19 A No, I do not.

20 Q And you pulled the cord until the child  
21 stopped screaming; do you recall that?

22 A It seems like I said that, but I don't  
23 remember for sure.

24 Q You then threw the cord down your son's